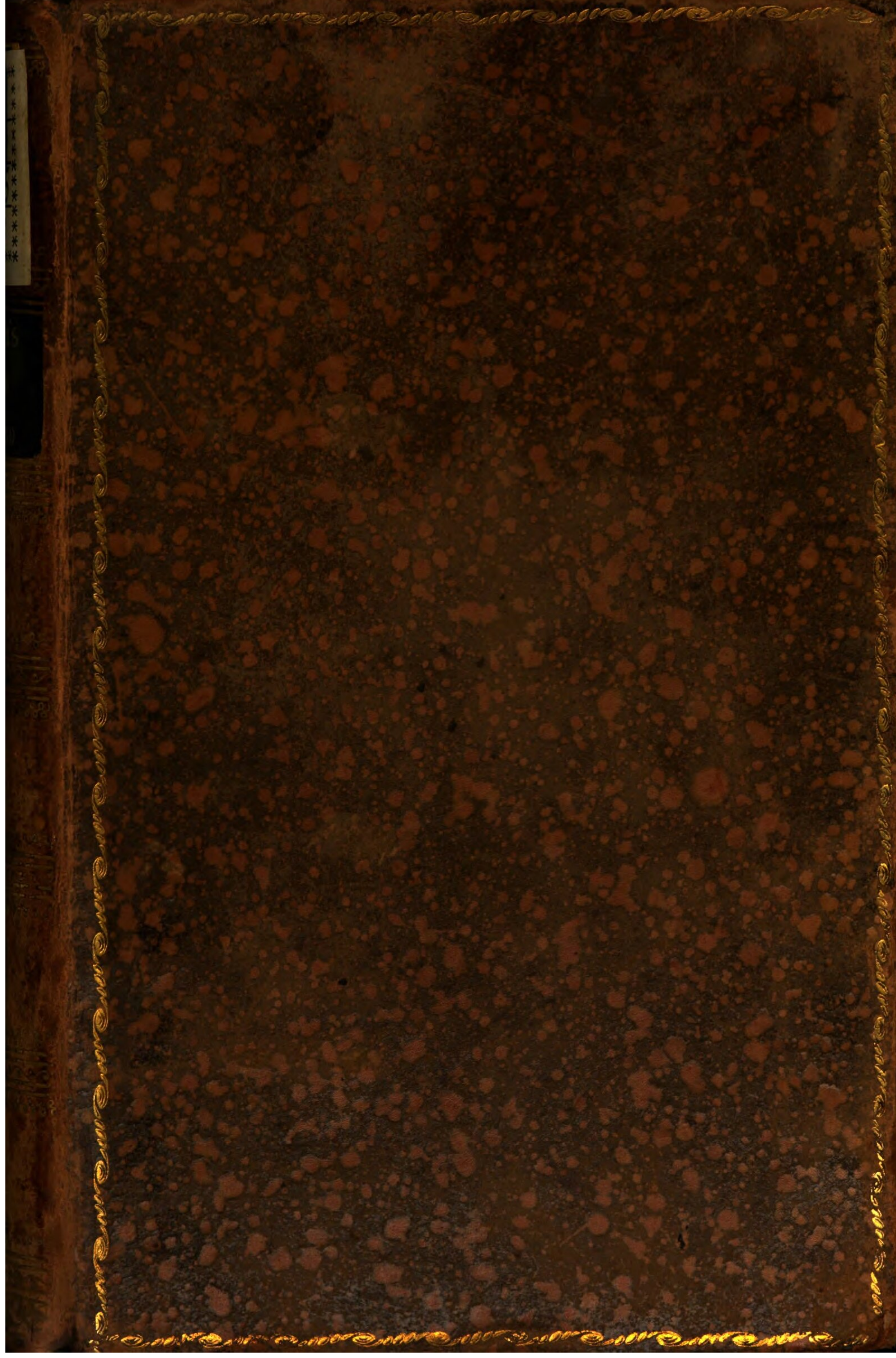
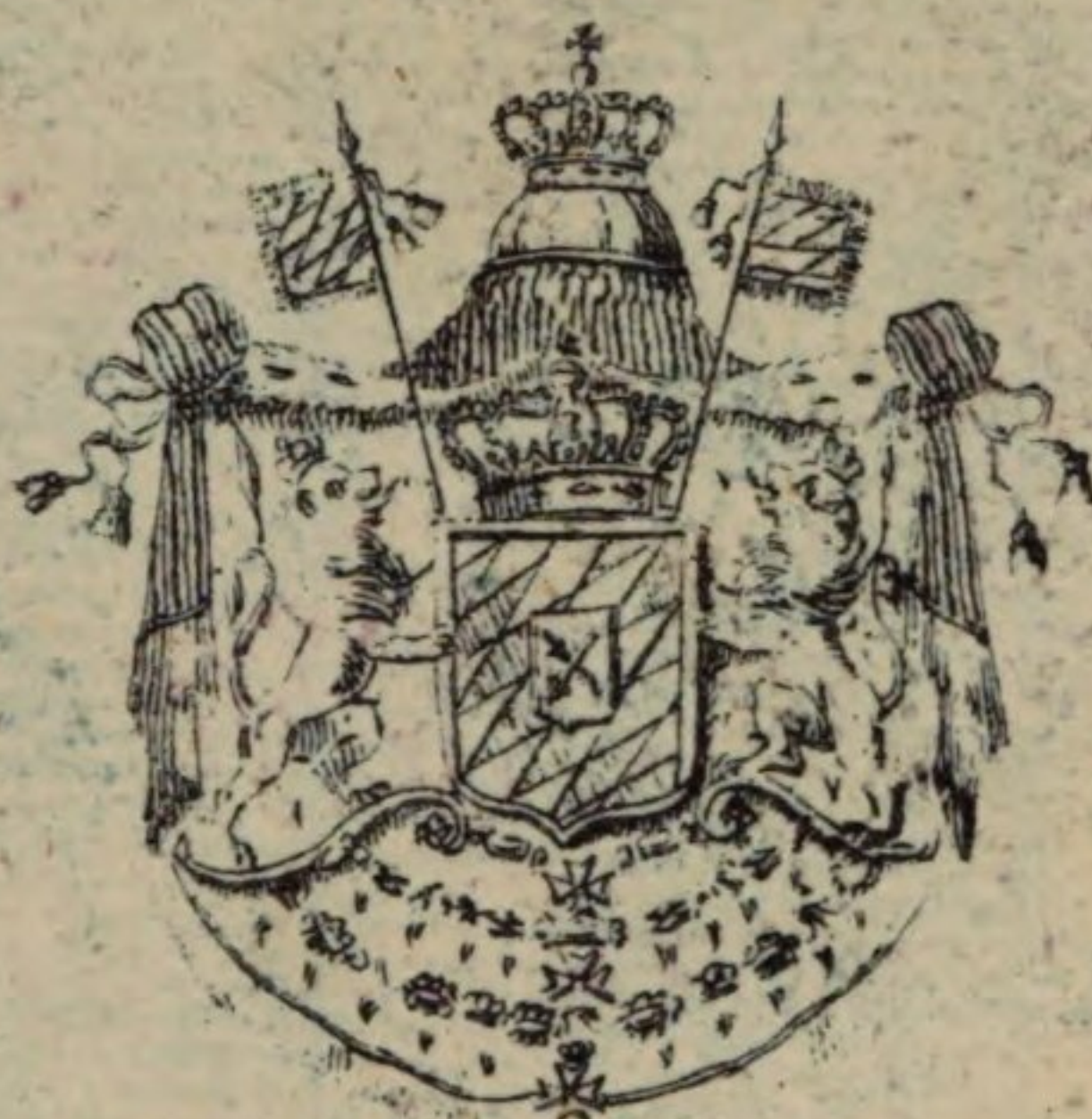




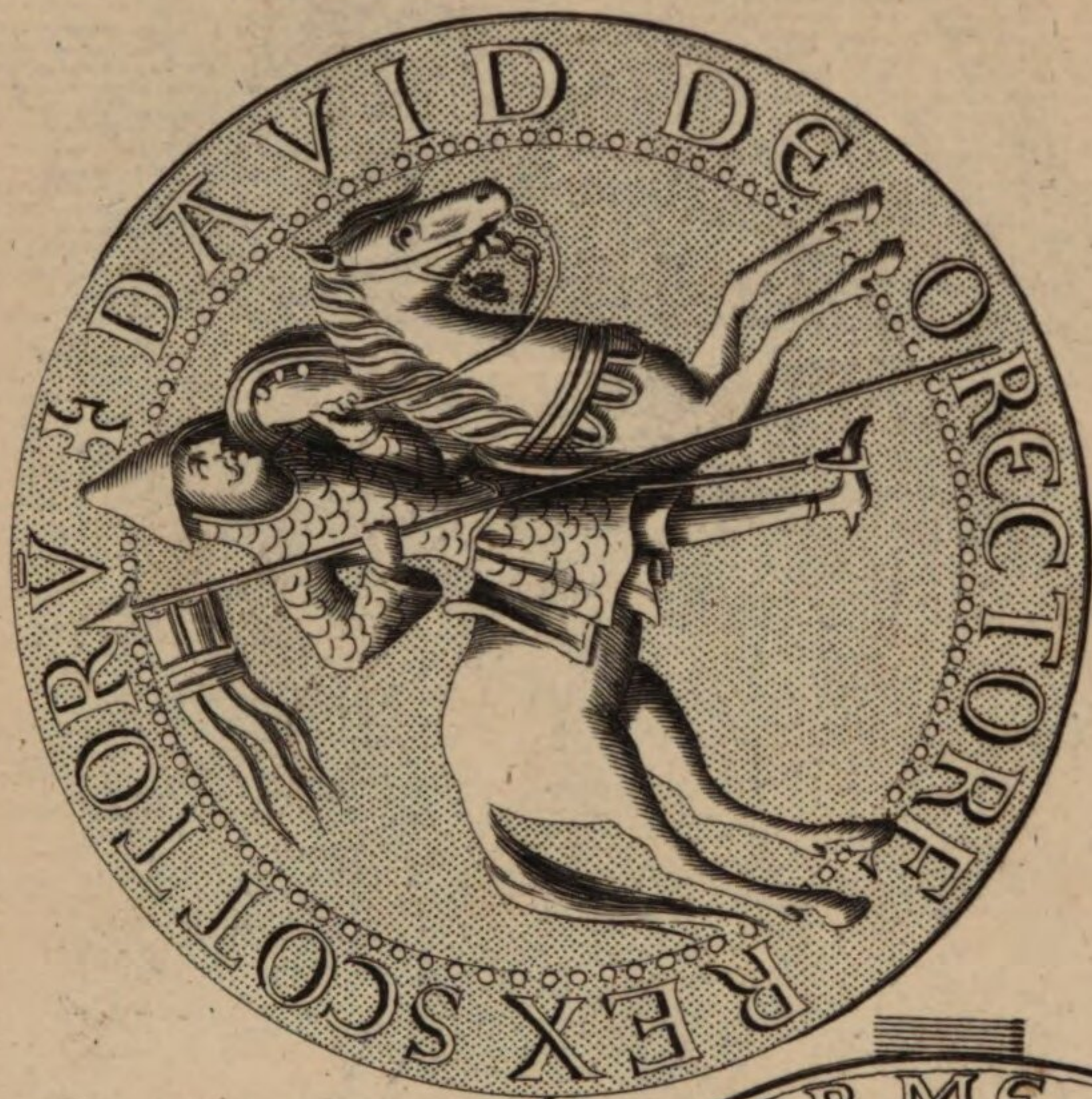


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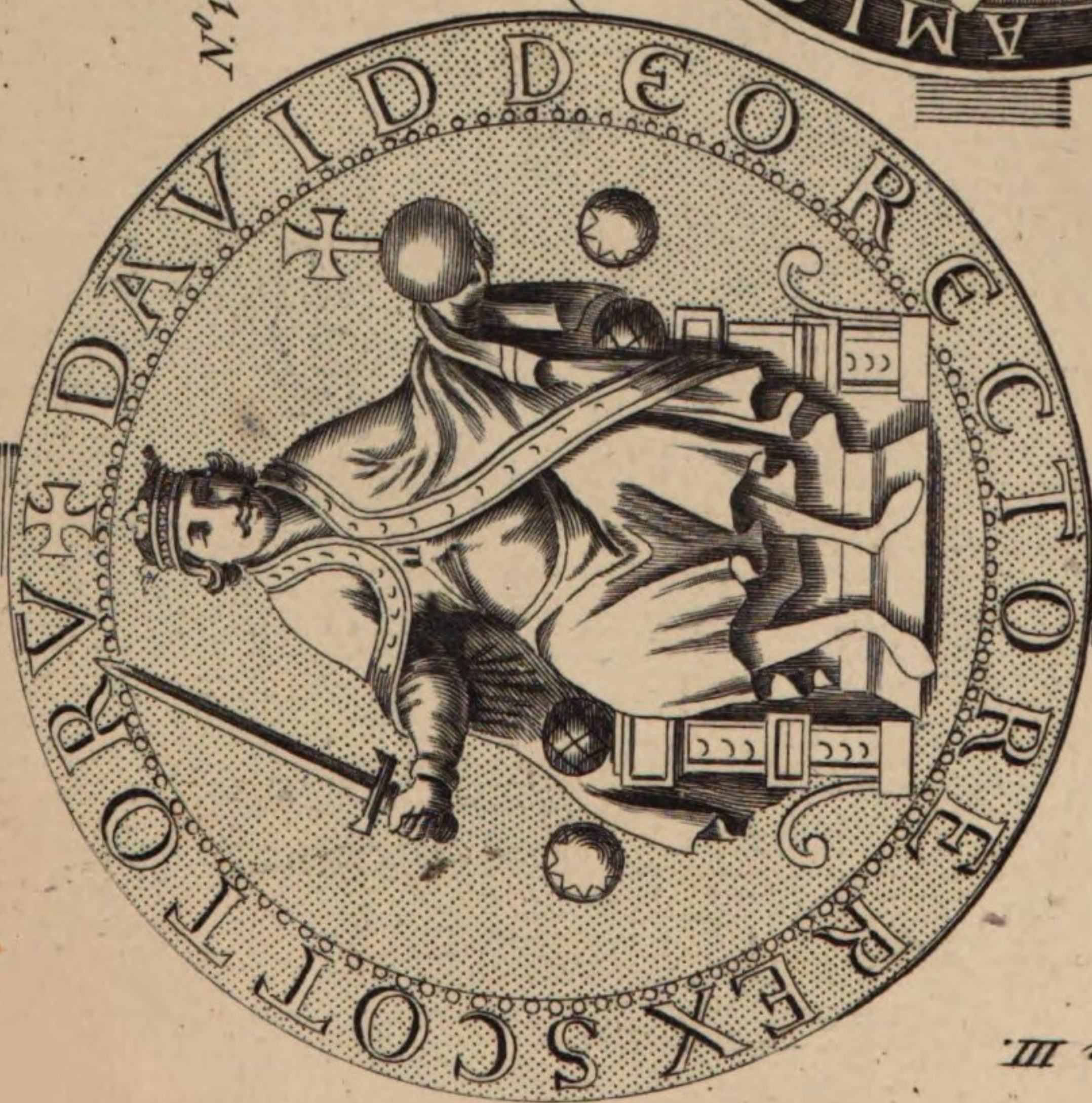


Plate III.

A
GENERAL HISTORY
OF
SCOTLAND,
FROM
THE EARLIEST ACCOUNTS
TO
THE PRESENT TIME.

By WILLIAM GUTHRIE, Esq.

VOLUME THE SEVENTH.

L O N D O N,

Printed for the AUTHOR, by A. HAMILTON;
And sold by ROBINSON and ROBERTS, in Paternoster-Row.

MDCCLXVIII.

GENERAL HISTORY

SCOTLAND

THE EARLIEST ACCOUNTS

TO THE PRESENT TIME

BY WILLIAM GUTHRIE, ESQ.

VOLUME THE SEVENTH

LONDON

Printed for the AUTHOR, by A. HAMILTON,
And sold by ROBINSON and SON, in Pall-mall.

MDCCLXXIII

THE HISTORY
A
GENERAL HISTORY
OF
SCOTLAND.

MARY.

THE earl of Lenox was still residing in the west of Scotland; and Mary took the first opportunity, as appears by his own letters, which are still extant, to acquaint him how zealous she was to discover the murderers of his son. The earl, in return, acknowledges the pains she had taken for that effect, and thanks her for asking his advice and counsel. He then proposes that she should assemble together the nobility and states of Scotland, to discover and proceed against the murderers. Mary's answer is dated the next day; and informs him, that even before she received his

A. D. 1567.

Corresponds with the earl of Lenox.

Dated Feb. 20.

A. D. 1567.

Feb. 26.

letter, she had summoned a parliament, where an enquiry into the murder was to take the lead of all other business. The earl of Lenox, in reply to this letter, seems to dislike his own proposal of a parliament, and wishes, that the persons named in the advertisements should be put into confinement. This, it must be confessed, was a pretty extraordinary request upon an anonymous information. It appears by Mary's answer, that there was a great multiplicity of those advertisements; that they varied, and were sometimes contradictory to each other. She offered, however, to grant a warrant for apprehending any one whom the earl should pitch upon. This was a strong proof of her sincerity; and was stretching her authority as far as it ought to go, if not farther, unless an information against the party, or grounds of suspicion, had been given in upon oath. In reply to this condescension of Mary, the earl expressed his surprize that the persons named in the first advertisement (the earl of Bothwell, Balfour, Chalmers, and Spence; and likewise in the second, Bastian, Bourdeaux, and Rizio's brother) were not put under confinement, especially as he (the earl) suspected them to be guilty. He was of opinion, that they should be kept in prison till the meeting of parliament, when proclamation should be made for their accusers to appear; and if none presented themselves, that the prisoners should be set at

A. D. 1567.

at liberty. Mary agreed partly to this peremptory demand; for we find, that the twelfth of April was fixed, by her privy-council, for the trial of the earl of Bothwell, and the other suspected persons. In the mean time, no pains were spared in finding out the authors of the advertisements; but none could be fixed on, excepting Murray abovementioned. Buchanan has been unreasonably severe upon Mary for interesting herself so much as she did in discovering the authors of the advertisements, instead of the authors of the murder. This is the most absurd charge that can be well conceived *.

The Tolbooth of Edinburgh was the place appointed for the trial of Bothwell, before the earl of Argyle, hereditary lord high-justice, and four assessors; Robert Pitcairn, commendator of Dumfermling; the lord Lindsay, Mr. James Macgill, and Mr. Henry Balnaves. It

Preparations for Bothwell's trial.

* How could the guilty be found out without discovering their accusers who were the authors of the advertisements, or, as they are called in the original letters, tickets? But to convince any reasonable person of Buchanan's malignity, let us suppose, that the like scene was now to happen in either part of the united kingdoms, could the government proceed in any other manner than that which was followed by Mary on this occasion? The persons named in the advertisements were either guilty or not guilty. If the former, how could they be brought to justice, without the evidence of those who undertook to prove them so? If the latter, how arbitrary and tyrannical must it have been to confine and try innocent persons for so atrocious a crime, upon dark anonymous advertisements? How easy is it to stab the most blameless person alive, if he has a secret enemy, upon such an accusation?

has

A. D. 1567. has been remarked, that the four assessors were among the bitterest enemies Mary had in her dominions; nor can it be denied, that Bothwell, supposing him to have been innocent, appeared at his trial under great disadvantages arising from the popular prepossessions against him, which had been thundered from the pulpits. Mary has been blamed (and if the facts were as they are represented, I think with reason) for suffering Bothwell, at this time, to appear as her favourite and first minister, and giving him possession of the castle of Edinburgh, which she prevailed upon the earl of Mar to resign, by putting her son under his tuition. The indecency of all this must be admitted; but at the same time it is an undeniable fact, that Mary's sworn enemies sheltered, favoured, and acquitted Bothwell at the time of his trial. This being the case, what arts may we not suppose to have been made use of to misinform and mislead her? It is well known, that sovereigns, in such cases, leave the forms and proceedings of trials to the proper officers and courts of justice; and if they screened, or acquitted, the murderer, was she to blame? That she was in earnest, I think appears strongly by her last letter to the earl of Lenox, which, when the language is a little modernized, is as follows:

“ Right trusty cousin and counsellor, we greet you well. We have received your letter
ter

ter of Houston the seventeenth of this instant, relative to our last writing sent you, and specially naming the persons contained in the tickets, whom ye greatly suspect. For the convention of our nobility and council, we have prevented the thing desired by you in your letter, and have sent for them to be at us in Edinburgh this week approaching, where the persons nominate in your letter shall abide, and underly such trial, as by the laws of this realm is accustomed; and being found culpable, in any wise, of that crime, and odious fact, nominate in the tickets, and whereof ye suspect them, we shall even, according to our former letter, see the condign punishment as rigorously and extremely executed as the weight of that fact deserves: for indeed (as you write) we esteem ourself party, if we are resolute (certain) of the authors; and therefore we pray you, if your leisure and commodity may suit, address you to be at us here in Edinburgh this week approaching, where you may see the said trial, and declare the things which you know may further the same; and there you shall have experience of our earnest will and effectuous mind to have an end in this matter, and the authors of so unworthy a deed really punished, as far further in effect, as before this, and now presently we have written and promised: and so for the present commits you to God."

A. D. 1567.

Mary's letter to Lennox.

The

A. D. 1567.

She is vindicated.

Robertson.

The historians who are unfavourable to the memory of Mary and Bothwell, have all along supposed Bothwell to be guilty, and that Mary knew he was so; but strong presumptions lie against the latter supposition*, as no single fact had appeared against Bothwell, on which a criminal prosecution could be grounded. The earl of Lenox resided then about forty miles from Edinburgh; and according to the form of law proceedings in Scotland, he was, by virtue of the queen's warrant, sent to her messengers, summoned at Edinburgh, on the twenty-ninth of March, to be present at the trial. On the thirtieth of the same month, and the first and second of April, he was, in like manner, summoned at his houses in Glasgow and Dumbarton, and at Perth. It has been said that these citations might have been given him sooner; and that such unnecessary delay affords some cause of suspicion. Without entering into the question concerning the lateness of the citation, I should be glad to know upon whom a suspicion on that account ought to fall; upon Mary, or upon those who were to manage the trial, and who afterwards accused her of the murder by the earl of Bothwell's agency? The earl of Lenox, in consequence of his citations,

* Our warm historians who are so liberal in condemning Mary, ought to reflect, that a man may be actually guilty of a crime, and suffer for it very wrongfully. Had Bothwell been hanged for Darnley's murder, without any other proof than the dark advertisements, that must have been his case.

set out for Edinburgh; but arriving at Stirling, he wrote a letter to Mary, in a strain which shews that he had received impressions greatly to her disadvantage. He complained of an indisposition which disabled him from proceeding on his journey, and of not having time sufficient to prepare for the trial. He therefore desired that it might be delayed till he could assemble his friends, and be armed with evidence against the parties accused. He reflected, not obscurely, upon the queen for suffering them not only to be at their liberty, but to remain in favour about her person, adding, that if the day of trial was not prolonged, no justice could be done; and beseeching her majesty to put the criminals under custody. As this letter was dated the day prefixed for the trial, for which every thing was now ready, the earl's request was refused. I shall not pretend to say how far this refusal was legal or not; or whether Mary, considering the circumstances of the case, if she actually did receive such a letter, and had a power to comply with his request, should not have granted it; nor whether the earl of Lenox, since the time of the murder's being committed, might not have procured sufficient evidence against the accused. I am of opinion, however, that his conduct was inconsistent. If he was not provided with evidence, why did he proceed on his journey so far as Stirling, and defer his request

Letter from
Lenox.

A. D. 1567. of having the trial put off till only a few hours before it was to have come on? He gave three reasons for this delay, none of which have any relation to the other; and very possibly, Bothwell and his friends made use of them as arguments that he did not intend to proceed to a trial. His indisposition seems to have been entirely fictitious, as no mention is made of it in the protest entered by his servant Cunningham, at the time of the trial. His design to have time for assembling his friends, that he might be present at the trial, carries with it no favourable intimation for preserving the public tranquillity; nor did he name a person, whose precognitory evidence, a custom which is admitted by the civil law in trials for murder, could fix upon the accused party a probable cause why he should be confined in order to be capitally tried.

Account of
Bothwell's
trial.

According to some historians, the earl of Morton appeared at the bar, or in the same pannel * with Bothwell; and the names of the jury, or assise, were as follow: " Andro erle of Rothies, George erle of Caithnes, Gilbert erle of Cassils, lord Johne Hamiltoun, commendator of Arbroith, sone to the lord-duke, James lord Ros, Robert lord Simple, Johne Maxwell lord Heries, Laurence lord Oliphant, Johne

* That space of a court of justice in Scotland, where prisoners stand while they are upon their trials. A pannel, likewise, sometimes signifies an accused person.

A. D. 1567.

maister of Forbes, John Gordoun of Lochinwar, Robert lord Boyde, James Cokburne of Lantoun, John Somerwell of Cambusnethan, Mowbray of Barnebowgall, Ogilbye of Boyne." The indictment ran for Bothwell's being "art and part of the cruel, odious, treasonable, and abominable slaughter and murder of the umquhile (deceased), the right excellent, right high and mighty prince, the king's grace, dearest spouse for the time to our sovereign lady the queen's majesty, under silence of night, in his own lodging, beside the Kirk of Field, within this burgh, he being taking the night's rest, treasonably raising fire within the same, with one great quantity of powder, through force of the which, the said whole lodging was raised and blown in the air, and the said deceased king was murdered treasonably, and most cruelly slain and destroyed by you therein, upon set purpose, provision, and forethought felony; and this ye did upon the ninth day of February last by past, under silence of night, as said is, as is notoriously known, which ye cannot deny."

The prisoner, the earl of Bothwell, appeared with his advocates; but when the prosecutor, the earl of Lenox, was summoned into court, Robert Cunningham, one of his servants beforementioned, entered a protest, in his master's name, against all judicial proceedings that day: the reasons he alledges are, the short-

He is acquitted.

Keith, p. 476.

A. D. 1567. nefs of the time, and his master not being sufficiently provided with friends to appear on the occasion. This protest was opposed by the earl of Bothwell and his advocates; and the jury, by the mouth of their foreman or chancellor, the earl of Caithness, acquitted Bothwell of the charge. The reason they give for this acquittal is pretty remarkable. They say that no writing, token, or verification, was brought before them in support of the indictment; nor was it even sworn to. In fact, therefore, Bothwell was acquitted by his jury from all suspicion of accession to the king's murder.

Reflections
on the
same.

Such was the trial (if any reader will admit it to have been such) of Bothwell for this horrid murder. Were it possible to admit an idea of Bothwell being innocent of the charge, we could not hesitate a moment in pronouncing the proceedings to have been just and regular, as there was not a single averment upon oath, tending to charge him with the guilt; and the very reason for putting off the trial at that time, which was no other than the notoriety of his crime, might have been urged, with equal efficacy, months, if not years, after. On the other hand, the conviction of his guilt, which must dwell on the reader's mind, gives a most suspicious completion to the whole proceeding. There was undoubtedly a flaw in the indictment, which must have proved fatal to the prosecution, because Darnley was murdered

dered on the tenth, instead of the ninth of A. D. 1567, February, as laid in the indictment. From this circumstance it has been alledged, that if Lenox had appeared, and the fact been proved upon Bothwell, the indictment must have been quashed. I shall not here enter into the question, whether the mistake of an hour, or at most two, in the dead of a winter's night, would have been sufficient to have set aside a trial of so great consequence; but supposing it had, was Mary to blame for the draught of the indictment, or those officers of state and justice within whose department the management of the proceedings lay? Nothing therefore can be more certain from history, that if there was any premeditated collusion or design to acquit Bothwell, it proceeded from Mary's enemies, who intended thereby to ruin her, as will appear in the sequel.

The shortness of the time allowed to the earl of Lenox for preparing evidence is a plausible objection, which may be brought against the proceeding. Before any thing decisive can be said on that head, it ought to be considered, whether the law at that time allowed forty days notice, as Buchanan pretends, for the prosecutors to make good the charge. This is a discussion that belongs to lawyers; and I apprehend, when the question is applied to a criminal prosecution before the justice-general, the allegation must fall to the ground. Other matters

Conduct of
the earl of
Cassils ex-
amined.

A. D. 1567.

matters of law seem to arise on the same occasion. Archbishop Spotswood, after Buchanan and Knox, says, "The earl of Cassils excused himself offering the penalty which by the law they pay, that refuse to pass upon assize, but could not obtain himself freed, the queen threatening to commit him in prison; and when he seemed nothing terrified therewith, commanding him, under pain of treason, to enter and give his judgment with the rest." This is a fact of a pretty extraordinary, and indeed unintelligible, nature. Buchanan says, that the earl of Cassils offered to pay the forfeiture usually laid upon those who declined sitting in an assize. Could this forfeiture legally exempt him from sitting? If it could, what occasion had he to dread the queen's frowns or threats; or how could he be compelled to be present in a court, whose proceedings he foresaw and detested? If Mary, as undoubtedly she did, thought that the earl's absenting himself proceeded from his conviction of Bothwell's guilt, why should she employ both blandishments and threatenings, if she favoured the accused, to force his enemy to sit upon his trial? Upon the whole, I think this story confutes itself; and that archbishop Spotswood, in relating it, implicitly followed Knox and Buchanan. Notwithstanding all I have said, I am far from acquitting Mary of indecency in suffering Bothwell to sit (if he did sit) at the council-

cil-board, when the day of his trial was appointed; nor do I think that she acted with propriety in retaining him about her person, and in her favour, after he was accused by the earl of Lenox of her husband's murder. But I shall have farther opportunities of examining into the share she had before and after that catastrophe.

On the fourteenth of April, two days after Bothwell's acquittal, the parliament of Scotland met; and I perceive that among other members were the archbishop of St. Andrew's, the bishops of Galloway, Dumblain, Orkney, and the Isles. The first session was held only by commission; but on the sixteenth the queen was present. It is remarkable, that the protestant religion received so strong an establishment in this parliament, that in the subsequent parliament held in December by Mary's enemies, it was there declared, that the queen had attempted nothing contrary to the state of religion, which her majesty found publicly and universally standing at her arrival. This, however, must be understood of the spiritual constitutions of the church; for we cannot perfectly reconcile the seats which bishops had in the legislature, and the restored jurisdiction of the archbishop of St. Andrew's, to that declaration *. It is therefore surprizing, that

The parliament meets.

A. D. 1567.

* Dr. Robertson is candid enough to animadvert upon the mistakes of Calderwood and Spotswood, (which are indeed very remarkable)

A.D. 1567. archbishop Spotfwood, after so pregnant a testimony of the queen's sincerity, should say, that "in this parliament the commissioners of the church made great instance for ratifying the acts concluded in favour of the true religion, yet nothing was obtained." In this parliament, the forfeitures of the earls of Huntley and Sutherland, with those of other gentlemen, who had been concerned against Mary in the battle of Corrichie, were reversed, on account of the informality of the sentence. Many grants of lands, places, and offices, were ratified to noblemen and gentlemen, particularly to the earls of Murray and Morton : but one of the most remarkable acts of this session took its rise from what had lately happened in posting up placades and advertisements, or tickets. It is there ordained, that the person who first met with one † of those papers should

markable) when they mention this act ; but he imputes the passing of it by Mary to the influence of Bothwell, who thought it might be the means of stopping the torrent of his unpopularity ; " for, says he, to pass such an act was utterly inconsistent with all the maxims which Mary followed in every other period of her life." His supposition of a bad motive for doing a good thing is a dangerous principle in history ; but with regard to the inconsistency of the act, with all the maxims which Mary followed in every other period of her life, the doctor's observation on that head is, I apprehend, fully confuted by the preceding acts of her government, and the solemn assurances so far back as the year 1561, at a time when Bothwell had no influence in her councils, that she would preserve the established religion, which was protestantism, as she found it.

† From the scope of this advertisement, it would appear, that the papers complained of were manuscript. I am not certain, whether

destroy it; and if it spread farther he was to suffer death, if it defamed the queen; and if any other person, to be punished by imprisonment or otherwise, at her pleasure, and according to the rank of the party traduced. In the same parliament, the forfeiture of one Balfour, who had been concerned in cardinal Beaton's murder, was repealed. A. D. 1567.

Upon the rising of the parliament, a scene passed, which places not only Bothwell, but the chief of the Scotch nobility, in a most detestable light, even according to its most favourable representation. Bothwell, without question, was conscious of his guilt, notwithstanding his acquittal; and apprehensive that facts might come to light, which would bring him to the punishment he deserved. Little doubt can be made that the managers of his trial, his judges, and some of his jury, might dread the consequences of their being confederated with him, if he was not supported to the utmost extent of his ambition, and their machinations. Every reader who peruses the dying confession of the earl of Morton, which I have already mentioned, must be sensible of this, as it cannot be supposed that he was the only man of consequence in the kingdom whom Bothwell wanted to associate with himself in the murder. To have destroyed Bothwell without ruining Mary

History of
the famous
bond.

whether the laws of England at this time do not favour the intention of this act, if they are carried into rigour.

A. D. 1567. at the same time, could not have answered their purpose; and no method could be so effectual for that, as by either persuading or compelling her to marry him. The truth is, the high favour in which he stood, being then great admiral of Scotland, and lieutenant of all the marches, and having lately obtained a grant of the castle of Dunbar, and several large estates and honours, gave them no reason to think that she would be violently averse to this proposal, provided she was furnished with a decent pretext to comply with it; and in this her conduct was too unguarded. Bothwell therefore drew up a bond, in which the subscribing parties fully assert his innocency, and promise to support him to the utmost with all their friends and followers, against all who should reproach, dishonour, or defame him. They likewise bind themselves to promote, with all their interest, a marriage between the queen and him, and to look upon all who should oppose it as their common enemies. The paper itself is so full and explicit, and bears such evidences of premeditation and pains-taking in drawing it up, that it would be unfair not to lay it before the reader in its original words*.

* “ We under subscriue and understanding, that although the nobill and mightie lord James erle Bothwell, lord Halis, Creightoun, and Liddisdale, great admirall of Scotland, and lievetenant to our soverane lady over all the marches thair of, being not onlye bruitit and calumniat be placartes privilie affixit on the publick places of the kirk of Edinburgh, and uther wayes sklanderit be his evill willaris, and privie enymels, as airt and
pairt

Previous to this detestable measure, Bothwell A. D. 1567.
had, in a paper pasted up in the most conspi-

pairt of the haynous murthour of the king, the quenes majesties lait husband, but also be speciall letteris sent to her hienes be the erle of Lennox, and delaitit of the samyne cryme, quha in his letteris earnestlie desyrit and requyreit the said erle Bothwell to be tryit of the said murthour, he be condigne inqueist and assisse of certane nobillmen, his peeares, and utheris barones of gud reputation, is fund guiltles and innocent of the odious cryme objectit to him, and acquite thairof, conforme to the lawes of this realme, quha also for farder tryell of his part, has offerit him reddie to defend and mantane his innocence, contrair all that will impugne the samyne be the law of armes, and sua hes omittid nothing for the perfyte tryell of his accusatione, that any nobillman of honor, or be the lawes ought to underlye and accomplishe. And wee considdering the anciencie and nobillenes of his hous, the honorable and guid service done be his predecessoris, and speciallie himselfe to oure soverane, and for the defence of this her hienes realme againis the enymeis thairof, and the amytie and friendship quhilk sa lang hes perseverit betwix his hous, and everie ane of us, and utheris our predecessoris in particular; and therewithall seeing how all nobillmen being in reputation, honor and credite with their soverane, ar comonlie subject to sustene asweill the vaine bruite of the commone people inconstant, as the accusatioun and calumnies of thair adversers, invyfull of our place and vocation, quhilk we of our dewtie and friendship are astrickit and debtbund to repress and withstand; THAIRFORE oblies us, and ilk ane of us, upon our faith and honors, and treuth in our bodies, as we are nobillmen, and will answer to God, that in case heir-estir anie maner of person or persones, in quharsumevir manner shall happin to insist farder to the sklander and calumniatioun of the said erle of Bothwell, as participant, airt or pairt of the said hyneous murthour, quhairof ordinarie justice hes acquite him, and for the quhilk he hes offerit to do his devoire be the law of armes, in maner above reherst; wee, and everie ane of us, be ourselffes, our kyn, friendis, assistaris, partakeris, and all that will doe for us, fall tak trew, effauld, plane and upright pairt with him, to the defence and maintenance of his quarrell, with our bodies, heretage, and guidis, agains his privie or publick calumnyatoris, by past or to cum, or onie utheris presumeand onie thing in word or deed to his reproach, dishonour, or infamie. MAIROVIR, weyning and considdering the tyme present,

D 2

and

A.D. 1567.

cuous part of Edinburgh, challenged any person to fight him, who should brand him with the king's murder. It has been observed, that this challenge was accepted of in another advertisement, provided the queen of England and king of France could prevail upon Mary to protect the author and his friends, and appoint the day and place for the trial by law of arms. As the author of this advertisement is,

and how our soverane, the quenes majestie, is now destitute of a husband, in the quhilk solitarie state, the commonweall of this realme may not permit her hienes to continew and indure, but at sum tyme her hienes, in appearance, may be inclynit to yield unto a marriage; and thairfore, in caice the former affectionate and hartlie service of the said erle done to her majestie from tyme to tyme, and his uther gude qualities and behaviour, may move her majestie so farr to humble herself, as preferring ane of her native born subjectis unto all forrane princis, to tak to husband the said erle; wee, and everie ane of us undersubscryve and, upon our honors and fidelitie, oblies us, and promitts not only to farder, advaunce, and set forwardt the marriage, to be solemnizat and compleitit betwix her hienes and the said noble lord, with our voatis, counsell, fortificatioun, and assistance, in word and deid, at sic tyme as it fall pleise her majestie to think it convenient, and how sone the lawes fall leave it to be done; but in caice onie wald presume directlie or indirectlie, opinlie, or under quharfumevir colour or pretence, to hinder, hold back, or disturb the same mariage, we fall in that behalf, esteime, hald and repute the hinderaris, adyerferis, or disturbaris thair of, as our comoune enemyis and evill willeris; and notwithstanding the samyne, tak pairt and fortifie the said erle to the said marriage, so farr as it may pleise our said soverane lady to allow; and thairin fall spend and bestow our lyves and guidis againes all that leive or die may, as we fall anser to God, and upon our awin fidelities and conscience; and in caice we doe in the contrare, nevir to have reputatioun or credite in na tyme heireftir, but to be accounted unworthie and faithless traytors. In witness of the quhilk, wee have subscryveit thir presents, as follows, at Edinburgh, the 19th day of Aprile, the Zezie of God, 1567 Zeires."

and

and was then, unknown, it ought not to have been treated with the regard it has met with from historians; nor was Bothwell (who probably set his name to his advertisement) blameable for paying no regard to its contents. All that can be said with justice is, that his challenge was a bravading prologue to the scene that followed.

On the nineteenth of April, the day on which the parliament was dissolved, Bothwell invited the chief of the nobility and prelates to an entertainment, at a tavern kept by one Ainflay, where he produced the bond already mentioned, and which they either signed, or promised to sign. A copy of the bond, as presented on the nineteenth, was sent by Read, Buchanan's amanuensis, to secretary Cecil, with the names of those who subscribed it, or rather of those who promised to subscribe it, according to his memory, which proved very fallible; for he inserted among the subscribers the earl of Murray, who was then undoubtedly in France. Next day, however, being the twentieth, the bond actually was subscribed by the following persons: the archbishop of St. Andrew's, the bishops of Aberdeen, Galloway, Dumblain, Brechin, Ross, the Isles, and Orkney; the earls of Huntley, Argyle, Morton, Cassils, Sutherland, Errol, Crawford, Caithness, and Rothes; the lords Boyd, Glamis, Ruthven, (he was the son of that Ruthven,

It is subscribed.

A. D. 1567.

A. D. 1567. ven, who was so capitally concerned in Rizio's murder, and who died during his exile in the north of England) Sempil, Herries, Ogilvie, and Fleming. Such were the subscribers to this infamous bond, as appears from an attested copy of the same, by Sir James Balfour, (who was possessed of the original) then clerk of the register and council, still extant in the Scotch college at Paris. This attested copy was sent by him to queen Mary, as appears by a letter from him to her majesty, dated the thirtieth of January 1581.

Mary vindicated from having any previous knowledge of it.

It has been pretended by many writers, and some of them affecting great candour and tenderness for Mary's memory, that the subscriptions were obtained by Bothwell's planting an armed force round the tavern. Though this might happen on the nineteenth, when the entertainment was given, yet it could not operate on the twentieth, when the bond was signed *. I shall, however, be candid enough not to lay any great stress upon this date, because it may be said, that so solemn and sumptuous an entertainment might have been pro-

* Dr. Robertson says, that Bothwell surrounded the house with armed men; and refers for the fact to Goodall, the professed advocate for the memory of Mary. Had Goodall admitted the fact, the presumption must have been strong against Mary; but upon inspection, the reference regards a paper given in by the earl of Murray, and Mary's other prosecutors at York, some years after. The credit of that paper, however, must stand or fall with Mary's pretended letters and ballads addressed to the earl of Bothwell, which I think have clearly been proved to be forgeries.

longed

longed to the morning of the twentieth, when the bond was signed. Notwithstanding this, I cannot imagine, that in the midst of a populous capital, a man so detested as Bothwell was by the inhabitants, could have overawed such a number of the nobility, by surrounding the house with two hundred men. As to the other means said to have been made use of by Bothwell, by pretending the queen's consent, I shall not controvert them. He might even pretend that he had a paper under her hand, whereby she gave them licence to agree to the marriage*; but the inference is fallacious, in saying that such a paper, really signed by Mary, ever actually existed. A modern historian says, that this strange coalition must be considered as the boldest and most masterly stroke of Bothwell's address. I am apt to consider it as the very reverse, and that if he employed force to obtain his ends from persons of such opposite principles, interests, and persuasions, as those who signed that bond, he discovered himself the weakest politician that ever was the dupe of ambitious hopes. Must not the lord Herries, and others who (according to our author) faithfully adhered to Mary through all the vicissitudes of fortune, and detested her marriage with Bothwell, the moment they were at liberty, have proclaimed to all the

A. D. 1567.

Dr. Robertson.

* See a letter to queen Elizabeth from her commissioners at York, the eleventh of October, 1568.

A.D. 1567.

world that they were free from their obligations by the bond, because they were extorted by force? Had not those subscribers who were equally Bothwell's and Mary's enemies, the same plea to urge? On the other hand, had Bothwell produced any authority from Mary for subscribing the bond, would not her friends, when the contents of it proved so fatal to her, have pleaded her consent, if not her order, as an apology for their subscribing? The strongest argument, however, in favour of Mary, arises from the paper, alledged to be signed by her, never having been judicially produced by her prosecutors, though, if such a paper had really existed, it must have, even with her best well-wishers, been fatal to her cause. I shall soon have an opportunity of resuming this subject, and considering the parts that were acted both by her and her enemies.

Murray, a few days before Bothwell's trial, obtained leave of the queen to go to France, and pass through England in his way. This leave of absence, at so critical a juncture, is by no means favourable to that opinion of firmness, piety, and patriotisim, for which he had been so much celebrated by his admirers. The earl of Lenox had appealed to Elizabeth for justice upon his son's murderers, and for her interposition to obtain a farther day for the trial. Elizabeth certainly wrote to Mary
for

for that purpose, and a copy of a letter, written in French, is still extant; but there is some reason to think that it did not reach Mary's hand till after Bothwell's acquittal *. As to the earl of Lenox, he went privately by sea to England.

A. D. 1567.

The part which Mary acted after Bothwell had obtained the scandalous bond, is the most suspicious and the least defensible, as well as the most fatal, step of her conduct throughout her unfortunate life. It receives however strong alleviations, if we admit, as I can see no reason to the contrary, that she thought the bond given at Ainslay's house to contain the real sentiments of the subscribers, and that Bothwell was the only man in the world who she could entrust with her own and her infant son's safety. If we are to believe the author of Melvil's Memoirs, she was inexcusable, even admitting that to be the case †. He tells us, that

Misconduct
of Mary.

* The letter, according to Cecil, was dated on the eighth of April, and the trial was on the twelfth. I shall just here observe, in corroboration of what I have said in a former note, that Elizabeth, in this letter, gives Darnley no higher title than "mort gentilhomme, the deceased gentleman."

† Mr. Goodall has given his reasons for thinking Melvil to have been a very improper evidence against Mary, because his father was condemned by the Scotch parliament, in the year 1548, for his treasonable correspondence with the English, and because he introduced Rookesby to Mary, as well as because he actually had a pension from Elizabeth. For my own part, those reasons weigh far less with me than the doubts I have expressed before concerning the authenticity of those Memoirs, and the manner in which they were ushered into the world. I cannot believe, from the various contradictions they contain to the clearest historical evidences, in matters supposed to have been trans-

A. D. 1567. "my lord Herries, a worthy nobleman, came to Edinburgh, well accompanied, and told her majesty what reports were going through the country of the earl of Bothwell's murdering the king, and how that she was to marry him; requesting her majesty most humbly upon his knees to remember her honour and dignity, and the safety of the prince, which all would be in danger if she married the said earl; with many other great persuasions, to shew the utter wreck and inconveniences would be thereby occasioned. Her majesty appeared to wonder how these reports could go abroad, seeing, as she said, there was no such thing in her mind."

Animadver-
sions upon
Melvil's
Memoirs.

It requires but little knowledge of the English tongue not to perceive, that the language of the above passage could not be that of Sir James Melvil, who had spent his life between the courts of France and Scotland; and the same observation holds good with regard to the whole work. But was not that the case, the most unanswerable evidences remain that the

acted by the author himself, that Sir James Melvil wrote the whole. At the same time, supposing that he did, I cannot think Mr. Goodall's arguments conclusive for his being a spy for, and in the interest of, Elizabeth. Many passages of the Memoirs are so far from being favourable to the memory of that great princess, that they place her conduct in an odious, and sometimes ridiculous light; neither can I see what end Melvil could propose, either in blackening Mary or favouring Elizabeth, in a work that probably never was intended for the public, of which one copy only is supposed to have been left, which was not printed till a hundred years after the supposed author's death.

fact

fact here mentioned cannot be true. Herries, A. D. 1567.
 who was a man of the most stubborn virtue of
 any of Mary's friends, not only signed the bond
 which attends this, but the marriage articles
 between her and Bothwell; and he was one
 among others, who thought, at that time, that
 Bothwell was ignorant of Darnley's murder;
 and that, as will appear by his after-conduct,
 it was contrived and perpetrated by Murray
 and Morton. The same memoir-writer pre-
 tends that he "took his leave of Mary, fear-
 ing the earl of Bothwell should get notice of
 their meeting; that he had fifty horse with
 him; and that he caused each of them to buy
 a new spear at Edinburgh, and so rode home."
 These little particularities could not here de-
 serve any notice, were it not to prove that Sir
 James Melvil either could not be the author of
 the passage, or that he must have dreamed the
 account he gives, when, in his old age, he was
 composing his Memoirs. Can it be imagined,
 that a nobleman should enter at the head of
 fifty horse into such a town as Edinburgh; that
 he could have a public and a long (for such it
 must have been) audience of her majesty; and
 then hurry away left the earl of Bothwell,
 who was then the sole director of the court,
 and upon the spot, should hear of their inter-
 view? A modern historian is so candid as to
 allow, that Melvil may have committed some
 mistake with regard to lord Herries, but that

Dr. Robert-
son.

A. D. 1567. he could not be well mistaken with regard to what he himself did. I should willingly admit the apology for the mistake, did not the very particular circumstances attending the narrative, render it almost impossible that it could arise from ignorance or inadvertency.

Their authenticity disproved,

Melvil next introduces himself upon the stage, as acting the same part he has assigned to lord Herries. He mentions "one Bishop, a Scotchman, who had been long in England, and was a great persuader of many in England to favour her majesty's title. He used oft to write unto my brother and me informations and advertisements. At this time, in his letter to me, he used even the like language that my lord Herries had spoken, but more freely, because he was absent in another country. He adjured me to shew the said letter unto her majesty, declaring how it was bruited in England that her majesty was to marry the earl of Bothwell, who was the murderer of her husband, who at present had a wife of his own, a man full of vice; which reports he could not believe, by reason that he judged her majesty to be of far greater knowledge than to commit such a gross oversight, so prejudicial every way to her interest, and the noble mark he knew she shot at: seeing, if she married him, she would lose the favour of God, her own reputation, and the hearts of all England, Ireland, and Scotland, with many other dissuasions and examples

examples of history which would be tedious to rehearse." We are next told that the author carried the letter to the queen, who shewed it to Ledington; that she told him it was "a device of his own, tending to the wreck of the earl of Bothwell;" and that Ledington said, he "had done more honestly than wisely; and therefore I pray you (says he) retire diligently, before the earl of Bothwell comes up from his dinner." We are next entertained with a long circumstantial account of his absconding for fear of being assassinated by Bothwell, till the queen, with great difficulty and dissatisfaction at the latter's conduct, obtained his pardon from the imperious regicide.

I am so singular as to own, that I think the whole of this story is penned with the same view as that of lord Herries; and that it is either a fiction of the pretended author, or an interpolation of his copyists or editors. My reason is, that Mary having the solemn acquittal of Bothwell, and the strong association of her principal nobility in his favour, lying before her, must be presumed to believe him innocent of her husband's murder, and to think that they were of the same opinion. I shall, in consequence of this supposition, admit, that she began now to think that the advice given her to marry Bothwell, might be politically right. I cannot however imagine, that she could have any amorous affection for a debauchee of sixty years

A. D. 1567. years of age, who had dissipated his fortune in courting her mother twenty-four years before, and worn out his constitution by his excesses. As it does not appear from any positive evidence produced by Mary's enemies, excepting the blind advertisements already mentioned, and which had been solemnly condemned, that she had an opportunity of knowing Bothwell's guilt, situated as she was, with the papers already mentioned before her; she must have been acquitted of any criminality, had she listened to what she thought was the free and uninfluenced voice of her nobility. It was therefore necessary to take from her every pretext of ignorance, by inventing two previous warnings given her against the detestable marriage *. I must therefore be of opinion that Melvil's application to Mary, by Bishop's letter, is a fiction, invented after her miseries commenced. I am the more convinced of this, as the writer of the Memoirs, who was upon the spot, never could omit, through ignorance, all mention of the association in

* To what I have already said concerning the authenticity of Melvil's Memoirs, I must add, that my doubts extend to every posthumous publication of the same kind, when the writing of the author is not produced and ascertained. Clarendon and Burnet seem to have been sensible of this, by consigning the manuscripts of their posthumous publications to be preserved in the repositories of learning which are accessible. This, I apprehend, is not the case with Whitlock and Ludlow's Memoirs; so that some doubts still hang about the mind as to the fidelity of their editors, who certainly were party-men, however unexceptionable they might be in their private characters.

A.D. 1567.

Bothwell's favour, though it certainly was well known to Sir James Melvil, who, in his epistle to his son says, "Had I not more regarded my princess her interest than my own, I should have accepted the large offers made me by the earl of Bothwell, when he desired me to subscribe, with the rest of his flatterers, that paper wherein they declared it was her majesty's interest to marry the said earl; but I chose rather to lay myself open to his hatred and revenge, whereby I was afterward in peril of my life; and tell her majesty, that those who had so advised her, were betrayers of her honour for their own selfish ends, seeing her marrying a man commonly judged her husband's murderer, would leave a tash upon her name, and give too much ground of jealousy that she had consented to that foul deed†."

† I am sorry that I am obliged to descend into historical criticism when I treat of this reign; but without examining into facts, how can they be ascertained? Systematical writers, who form their narratives upon former historians, according to their own particular cast of thinking, or stations in life, are above canvassing facts, and take every thing by the lump; but as I differ from them, I think the public has a right to require my particular reasons for so doing.

It may be asked, what reason had Sir James Melvil or his editors to interpolate any thing that could asperse Mary, as the work did not appear in publick till 1683? To this I answer, that the Memoirs end at the birth of James the sixth, and first of England's, eldest son, when parties at court, and indeed all over the nation, were much divided upon the subject; some through opinion, but many more from interest. Even at the time when the Memoirs were published, and to this day, the minds of men were and are heated by the names of the historians who have drawn their pens against Mary's memory, without ever pretending to

A. D. 1567. But I am now to return to that part of Mary's conduct, which I pronounce to be the most indefensible, and which, it must be acknowledged, carries with it much appearance of intrigue and preconcert.

Bothwell carries Mary a captive to the castle of Dunbar.

Bothwell, as being sole lieutenant of the borders, never could be at a loss for a pretext to keep up a body of armed men about his own person. A weak man (for he never gave any specimens of abilities in business) like him, intoxicated with vanity and ambition, thought that he was now above all law; and we can impute his conduct only to the reluctance which Mary might still express to giving him her hand in marriage. I shall not pretend that that reluctance was very severe; but it certainly was such as suggested to him the thought of offering her a gentle force to induce her to accomplish his desires. In less than two days after he had obtained his bond, Mary went to Stirling to see her son, who remained there, under the earl of Mar's care. Bothwell took that opportunity of assembling about a thousand horse, on pretence of making an expedition to Liddesdale; but instead of marching southwards,

to search into records for facts; and only because Rapin believed in De Thou, who was entirely guided by Buchanan, who had a palpable interest, and was well rewarded for defaming her. I might, perhaps, bring this historical genealogy down to much later times, and shew how it branches out in every department of literature, where the idea of Mary is always connected with that of an adultress and a murderer, only because it has been the fashion with popular historians.

he

he turned aside towards the west, and, at a bridge over Almond water, scarcely a mile from Edinburgh, he met her majesty slightly attended; and, taking hold of her horse's bridle, he carried her, together with the earl of Huntley, secretary Maitland, and Sir James Melvil, who were of her train, in custody to Dunbar, the rest of her attendants being suffered to go free. As Mary seems to have made no resistance or complaint of the force that was put upon her, there is too much reason to believe that she was in the concert. Melvil next day was permitted to go home; and one captain Blackader, who had the custody of him, told him, that all that had been done was with the queen's consent.

An obstacle to Bothwell's making Mary his wife still remained, which required the most consummate audacity to remove. He had been married only six months before, to the lady Jane Gordon, sister to the earl of Huntley, who seems to have been a wife very convenient for his purpose; and I must be of opinion that she and her family were the great instruments of crowning Bothwell's ambition. Two processes of divorce were actually instituted before two different courts. In the one, which belonged to the archbishop of St. Andrews, the judges appointed were, Robert, bishop of Dunkeld, William, bishop of Dumblain, Archibald Crawford, parson of Eggletham, John Manderfon,

Bothwell
divorced
from his
wife.

A. D. 1567. canon of the collegiate church of Dunbar, Alexander Crichton and George Cook, canons of Dunkeld. In this court the divorce was granted, on account of the earl of Bothwell and his countess being in the fourth degree of consanguinity, they not having obtained any dispensation from Rome for their marriage. I observe, however, on consulting a paper published by a reverend historian, that only two of the commissioners, Crawford and Manderfon, were present during the process, and that Manderfon alone pronounced the infamous sentence. The other was the consistorial court, which had been established by the queen, and the judges were Mr. Robert Maitland, Mr. Edward Henryson, Mr. Alexander Sim, and Mr. Clement Little, all of them protestant lawyers. In this court the countess of Bothwell was the prosecutor for a divorce from her husband, on account of his adultery with one Crawford, her servant; and sentence was accordingly pronounced in her favour*.

Dr. Robert-
son.

His impoli-
tic conduct.

We are now to consider Mary in the light of a prisoner, and therefore not mistress of herself or her actions. It is perhaps impossible to assign a cause for Bothwell's acting the farce of her captivity. It seems to have been the effects

* It is amazing that the writer of Melvil's Memoirs should say, "I cannot tell how nor by what law he parted with his own wife, sister to the earl of Huntley." Could such a doubt fall from the pen of Sir James Melvil, situated as he was at that time?

of ignorance and intemperance, nor can it well be supposed that it happened without Mary's knowledge or consent; and that is a consideration which renders her conduct on the occasion more inexcusable, because she ought to have persisted in the strongest resentment towards a man who had dared to treat her so audaciously and disrespectfully. A little reflection soon convinced Bothwell that he had mistaken his measures. The courts of justice were dubious whether they could proceed in their ordinary business, while their sovereign was a captive. We are told by some historians, that a body of the nobility met at Stirling, from whence they sent a message to Mary, desiring to know whether she really was a captive against her will, in which case they would endeavour to set her at liberty; and that her answer was, that she had indeed been carried off against her will, but that her treatment ever since had been courteous and agreeable. Whether this message and answer passed or not is very immaterial, because Mary's conduct, as it stands upon record, soon discovered the sentiments she had of Bothwell. The writer of Melvil's Memoirs says, that while she was in Bothwell's custody, a number of noblemen and gentlemen "subscribed a paper, declaring that they judged it was much the queen's interest to marry Bothwell, he having many friends in Lothian, and upon the borders, which would cause good order to be

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kept.

A. D. 1567.

A. D. 1567. kept. And then the queen could not but marry him, seeing he had ravished her and lain with her against her will." This is a fresh instance how cautiously those Memoirs are to be read, as the pretended author betrays such ignorance in matters which could not have escaped the real author's observation. No second bond of association appears upon record, nor indeed was any such necessary.

He brings
Mary back
to Edin-
burgh,

Bothwell being apprized of his error, and of the invalidity of any marriage contracted with Mary while she was his prisoner, resolved to carry her to Edinburgh, after being ten days at Dunbar. During the journey she had the appearance of one at liberty; but instead of lodging at the palace of Holyrood-house, he led her horse by the bridle to the castle, where it was found necessary to finish what there is reason to believe was but too agreeable to Mary. Being presented with the bond that had been signed at Ainslay's, she gave her consent to the same in the following terms, the language being somewhat modernized: "The queen's majesty, having seen and considered the bond above written, promiseth, on the word of a princess, that she, nor her successors, shall never impute as crime or offence to any of the persons subscribers thereof, their consent and subscription to the matter above written therein contained; nor that they, nor their heirs, shall ever be called or accused there-fore;

fore; nor yet the said consent or subscribing be any derogation or spot to their honour, or they esteemed undutiful subjects for doing thereof, notwithstanding whatsoever thing can tend or be alledged in the contrary. In witness whereof her majesty hath subscribed the same with her own hand." A. D. 1567.

This consent was the prelude to her destruction. Bothwell, as soon as it was obtained, demanded a publication of the banns of marriage with the queen. It does honour to the memory of Mr. Craig, one of the ministers of Edinburgh, that he behaved on this occasion with the spirit of a primitive confessor, in the cause of virtue and christianity. He refused to publish the banns; and when brought before the council to give his reasons, he mentioned the precipitate divorce of Bothwell from his wife, by collusion of both parties; his sudden contract with the queen after that divorce; and the shame that would attend her marrying a man who stood in the light of her ravisher, and was suspected of being the murderer of her husband. He concluded with an excellent advice to the members of the council, that they would endeavour to dissuade her majesty from so infamous a conjunction. His reasons and exhortations not having the desired effect, he carried them to the pulpit, till, at last, he was authoritatively enjoined silence.

and demands
a publica-
tion of their
banns of
marriage.

Spotswood.

This

A.D. 1567.

This opposition, and the manifest detestation in which the marriage was held by the public, did not avail. A prelate was found base enough to perform for favour, what a protestant minister had refused through conscience. This was Adam Bothwell, bishop of Orkney. It was however necessary, previous to the nuptials, the celebration of which was fixed to the fifteenth of May, that her majesty should appear in her court of session, where the nobility about Edinburgh was assembled, and to make the following declaration, which, however shameful it may be thought to her memory, is of too great importance to the truth of history to be omitted here.

Edinburgh, May 12, 1567.

“ The which day our sovereign lady appeared personally in judgment, in presence of the lords, chancellor, president, and whole lords of session underwritten; that is to say, George earl of Huntley, lord Gordon and Badenoch, chancellor, &c. reverend fathers in God, John bishop of Ross, Alexander bishop of Galloway, Adam bishop of Orkney; Mr. William Baillie lord Provand, president, Mr. Alexander Dunbar dean of Murray, Mr. Robert Maitland dean of Aberdeen, Mr. David Chalmers chancellor of Ross, Mr. Archibald Crawford parson of Eglisbam, Gawyn commendator of Kilwinning, Sir James Balfour of Pittendrich,

A.D. 1567.

Pittendrich, knight, clerk of register, Richard Maitland of Ledington, John Bellenden of Auchnoull, justice-clerk, knights, William Maitland, younger, of Ledington, secretary to our sovereign lady, Mr. Henry Balnaves of Halhill, John Gledstanes, and Mr. Edward Henerfon, licentiat in the laws; and also in presence of John archbishop of St. Andrew's, William bishop of Dumblain, David earl of Crawford, lord Lindsay, George earl of Caithness, John commendator of the abbey of Aberbrooth, Alexander commendator of Culrofs, Robert commendator of St. Mary Isle, treasurer, George lord Seton, Robert lord Boyd, and Simon Preston of Craigmiller, knight, provost of Edinburgh; being informed of before, that the lords of session made some doubt and stop to sit for administration of justice to the lieges of this realm, in respect that her highness was taken and holden in Dunbar by James earl Bothwell, lord Halis and Crichton, and certain others his complices, contrary to her majesty's will and mind. And now the queen's majesty, for declaration of her mind therein, has allowed the foresaid lords of session for doing of justice to her highness lieges since the time aforesaid; and further, has in like manner declared, and declares, That albeit her highness was (commovit) offended for the present time of her taking, at the said earl Bothwell: and since, by his good behaving towards

A. D. 1567. towards her highness, and having sure knowledge of his thankful service done by him in time past, and for more thankful service in time coming, that her highness stands content with the said earl, and has forgiven, and forgives him, and all others, his complices being with him in company at the time aforesaid, all hatred conceived by her majesty for the taking and imprisoning of her at the time aforesaid. And also declares her majesty to be at her freedom and liberty, and is minded to promote the said earl to further honours, for his service aforesaid. And Mr. David Borthick, procurator for the said earl, asked instruments hereof."

The queen
is married
to Both-
well.

In consequence of the above declaration, Mary created Bothwell, whom we may now call her bridegroom, duke of Orkney, a day or two before her marriage. On the fifteenth of May, the day appointed for their fatal nuptials, they were celebrated, according to the Reformed manner, in the council-chamber, within the palace of Holyrood-house, by Adam Bothwell, formerly bishop of Orkney, a worthless ecclesiastic, who had renounced his episcopal orders, and had devoted himself to the new duke. Bothwell's behaviour, after marriage, was brutal beyond belief; and the reflections of the disgrace she had brought upon herself were such, that Mary was even heard to threaten to put an end to her own life, that she

she might be delivered from his tyranny, either by stabbing or drowning herself. If we are to believe the writer of Melvil's Memoirs, he intended to have obtained the custody of the young prince; but the earl of Mar refused to deliver him up, without an order from the three estates. Bothwell's influence in the government, however, was so great, that the earl was obliged to consult with Melvil upon the means of preserving the prince from the hands of his father's murderer. Melvil advised him to apply to Sir James Balfour, the governor of Edinburgh castle under Bothwell, who had resolved to deprive him of that charge, because he was not so complete a villain as he wished him, and had refused to be concerned in the murder of Darnley. Balfour offered to receive and protect the prince, upon condition that the laird of Grange should defend him, if he was afterwards called in question by the nobility. This was a pretty extraordinary condition; but, whether the fact was so or not, it is certain that Bothwell did his utmost to get possession of the prince's person; and with what view may be easily conjectured, when we reflect upon his hardened villainy.

The form of the marriage (we are told) the very day it was celebrated, was repeated after the Roman catholic ritual, under every omen of public detestation. Not only Elizabeth, but the French king had earnestly represented

The privy council meets.

A. D. 1567. sented to Mary the shameful circumstances, and the fatal consequences, of such a match. Le Croc refused to be present during the nuptials, at which no person of credit or character assisted. Notwithstanding those symptoms of general dislike, Mary was more pitied than blamed. Her great subjects were conscious to themselves how instrumental they had been in misleading her. The earls of Huntley and Crawford, the lords Fleming, Herries, and Boyd, the archbishop of St. Andrew's, and the bishop of Galloway and others, still assisted at the meetings of the privy-council, which met two days after the marriage. The duke of Orkney's name was joined with that of Mary in all her public acts; and one of the first measures of the new administration was a revocation passed by Mary "of any writings that might have been purchased from her majesty for permitting any persons to use the old form of religion, because she intends inviolably to maintain the act published concerning religion, upon her safe arrival from France." During the course of the same month, William Chisholm, bishop of Dunblain, was named ambassador to France, and furnished with a set of instructions, which some critics and historians have admired for their artful composition; though I can by no means be of their opinion, as they contain an apology for Mary's conduct too gross to seduce the meanest understanding.

Mary's instructions.

understanding. This paper even sets out with a falshood, that Bothwell was one of the greatest earls of the kingdom, and his family one of the first for reputation, on account of its nobility and antiquity. It then proceeds to a heavy, inconsistent, deduction of his services to Mary and her mother, and the great art with which he had always conducted himself, till he procured the hands of all the nobility to the paper which authorized him to court her for marriage. This is the only allegation in those famous instructions that deserves the least notice in history; the rest of them are too affected and fulsome to admit of an extract; nor can I think that a woman of Mary's elegance and good sense had any hand in the composition. Sir Robert Melvil, Mary's ambassador at the court of England, was charged with a like set of instructions, but drawn with far greater art and address, though composed, in the main, of the same materials. It is, however, of importance to mention, that Mary there alledges that Bothwell was acquitted both by the laws, and the sense of parliament. Bishop Lesley, in his Apology for Mary, repeats the same thing; but, as Mr. Keith very justly observes, no such matter is to be seen in the parliamentary records. We can scarcely imagine that Mary and her minister would have averred so recent a fact to Elizabeth, had not

A. D. 1567. some vote, though perhaps not recorded, passed in Bothwell's favour.

Observa-
tions on the
same.

The utmost that the warmest advocate for Mary can say on this occasion is, that she had no reason to believe Bothwell guilty of her husband's murder; and that the opinion of his innocence was absolutely confirmed under the hands of the nobility and others, who recommended him to her for a husband. That these are facts, is past contradiction; nor are they to be invalidated by the most plausible conjectures or surmises. The misfortunes of Mary at that time differed, perhaps, from that of any other woman, ever circumstanced like her. She was surrounded by persons whose interest it was to shut truth out, to keep her in the dark, and in ignorance of all that she owed to her dignity as a queen, or her reputation as a woman. They pretended that she had no safety but in marrying Bothwell; and the experience she had of her people's temper and dispositions, gave too fair a gloss to the illusion; though upon the whole it must be admitted, that her conduct, though not criminal, is indefensible, as to prudence and decency.

Associati-
on of the
nobility
against
Bothwell,

Soon after the consummation of the marriage, the nobility who had been the most forward in forcing it upon Mary, entered into associations for bringing her husband to justice for Darnley's murder; nor do I find that Both-
well

A. D. 1567.

well had then a single nobleman in Scotland, who had the courage to declare in his favour; an almost incredible proof of the public degeneracy. The security of the young prince became the fashionable pretext for an association; and the parties were the earls of Argyle, Athol, Morton, Mar, Glencairn, the lords Lindfay and Boyd; and, according to some, the lords Hume and Semple, with the barons of Tullibardine and Grange. All the arts of Bothwell could not procure him any higher title than that of the duke of Rothfay, though his name continued to stand along with the queen's in public dispatches; and he appeared at her court with a most fastidious pomp, as the sole vehicle of all her favours. On the twenty-eighth of May two proclamations were issued for repressing the robberies on the east-borders, by which the inhabitants of the counties of Forfar, Perth, Stirling, Lanerk, Clacmannan, Kinross, and Fife, with those of the counties of Strathern and Menteith, and other places, were ordered to attend her majesty for fifteen days, in an expedition against the robbers, who are there denominated rebels. Those proclamations being issued by the advice of her dearest spouse James duke of Orkney, gave rise to public suspicion; and it was immediately rumoured, that the queen intended to employ force to the subversion of the laws against her nobility; and that the safety of her son,

A. D. 1567.

son, the prince, was most shamefully neglected. Mary therefore thought proper to publish a declaration, in the strongest terms, of her regard to the laws, and the safety of her son. I mention this declaration the rather, as it is a convincing proof of the people's dissatisfaction at their queen's marriage; neither can I think that the public suspicion was groundless, tho' Mary herself might be sincere.

who escaped.

The association against Bothwell was all this while gaining strength; and the name of a Scotchman, instead of respect as formerly, became a term of reproach through all Europe. Bothwell was sensible of his danger, and sought to avoid it. Even the dissolute court of France expressed an abhorrence of Darnley's murder, and the queen's marriage, if we are to believe the writer of Melvil's Memoirs, who says, that Le Croc had letters to that purpose from his king to the associated lords. Though I am doubtful of this fact, yet it is certain that Bothwell's unpopularity did as much as his most violent enemies could have expected. The nation resounded with lampoons and pasquinades, and he must have been surprized with the queen in the palace of Holyrood-house, had he not been forewarned of his danger by an unknown hand, the earl of Argyle most probably, who perhaps still retained a tenderness for Mary. Their disappointment, far from daunting, rendered the associators more united; for they

they assembled two thousand horse, with which they intended to besiege the castle of Borthwick, from whence the queen and Bothwell escaped to Dunbar, where they were in more security. The associated lords, upon this, marched to Edinburgh, where the earl of Huntley, the lord Boyd, the archbishop of St. Andrew's, the bishop of Ross, and the abbot of Kilwinning, who were not of the association, resided. They offered to assist the citizens in defending the town; but finding them otherwise disposed, they took refuge in the castle, while the confederates forced open one of the city gates, and published the following proclamation:

A. D. 1567.

Canongate, June 11, 1567.

“ That whereas the queen's majesty being detained in captivity, was neither able to govern her realm, nor try the murderer of her husband; we of the nobility and council command all the subjects, specially the burghers of Edinburgh, to assist the said noblemen and council in delivering the queen, and preserving the prince, and in trying and in punishing the king's murderers. And we command the lords of session, commissaries, and all other judges, to sit and do justice, according to the laws of this realm, notwithstanding any tumult that may arise in the time of this enterprise: with certification to all who shall be found

Proclamations by the noblemen.

A.D. 1567. found acting contrary to these proceedings, that they shall be reputed as fautors of the foresaid murder, and punished as traitors."

The day after, another proclamation, dated from Edinburgh, to the like purpose, was issued; but charging Bothwell with an intention to murder the young prince. The date of the last proclamation sufficiently proves that the associated lords were then masters of Edinburgh; and the records of that city contain a kind of an apology for the citizens admitting them into their community. The detestation which all ranks and degrees of people entertained of Bothwell was eminent on this occasion; but the good opinion they had of Mary, who they thought was under the power of witchcraft or illusion, brought great numbers to declare in her favour. She was fatally hurried on to her perdition by her worthless husband; and instead of remaining in the strong castle of Dunbar, which the associators were in no condition of reducing, she moved towards Edinburgh, at the very time when the associated lords were in despair, preparing to separate and to provide for their own safety. On the fourteenth of June she arrived with Bothwell at Seton; and next day a proclamation was read at the head of her army to the following purpose:

Proclama-
tion by
Mary.

"That a number of conspirators having discovered their latent malice borne to her and the

the duke of Orkney her husband, after they A. D. 1567. had failed in apprehending their persons at Borthwick, had made a seditious proclamation, to make people believe that they did seek the revenge of the murder of the king her late husband, and the relieving of herself out of bondage and captivity, pretending that the duke her husband was minded to invade the prince her son; all which were false and forged inventions, none having better cause to revenge the king's death than herself, if she could know the authors thereof. And for the duke her present husband, he had used all means to clear his innocency, the ordinary justice had absolved him, and the estates of parliament approved their proceedings, which they themselves that made the present insurrection had likewise allowed. As also he had offered to maintain that quarrel against any gentleman on earth undefamed, than which nothing more could be required. And as to her alledged captivity, the contrary was known to the whole subjects, her marriage with him being publicly contracted and solemnized with their own consents, as their hand-writs could testify. Albeit to give their treason a fair shew, they made now a buckler of the prince her son, being an infant, and in their hands; whereas their intention only was to overthrow her and her posterity, that they might rule all things at their pleasure, and without controul-

A. D. 1567. ment. Seeing therefore no wilfulness, nor particularity, but very necessity has forced her to take arms for defence of her life, as her hope was to have the assistance of all her faithful subjects against those unnatural rebels, so she doubted not but such as were already assembled, would with good hearts stand to her defence, considering especially the goodness of her cause, promising them, in recompence of their valorous service, the lands and possessions of the rebels, which should be distributed according to the merit of every man."

Nothing could be worse judged than this proclamation, which was directly against the conviction of the public. Other proclamations are said to have been issued, promising rewards to such of her party as should kill an earl, a lord, a baron, or a yeoman, according to their several ranks. Upon the whole, I am inclined to believe, that Mary had no manner of concern in the proceedings which were authorized by her name, and that they were entirely owing to the madness and stupidity of Bothwell. She had, before she came to Seton, been reduced to the meanness of accompanying her detestable husband in men's cloaths. Neither this indecency, nor the aggravated circumstances attending her marriage, could ruin her in the esteem of her subjects. All of them agreed in separating her case from that of her husband; nor durst the most determined

terminated

terminated of the associated lords express any other sentiments. As to Bothwell, the whole of his conduct was cowardly, bravading, and frantic, and such as, I may venture to say, rendered him even despicable to Mary. Her army is said to have been composed of about four thousand men; but they were heartless and dispirited, because they could not separate her cause from that of her odious husband. The army of the associated lords exceeded hers in discipline, if not in numbers, and were supplied from Edinburgh with plenty of provisions. She took up an advantageous ground at Carberry Hill, about six miles to the east of her capital; but she easily saw that her business was to treat, and not to fight. Le Croc, the French ambassador, interposed, and proposed terms of accommodation, being empowered to offer a full pardon to the associated lords. A perfect idea may be formed of the principles on which her enemies proceeded, by the reception of Le Croc's mediation. The earl of Morton, who was privy to her husband's murder, took the lead in the negotiation, and insisted upon her majesty giving up Bothwell to public justice. The earl of Glencairn, who perhaps was not so criminal, because unconscious of the guilt, gallantly added, "We are not come here to ask pardon for any offence we have done, but rather to give pardon to those that we have offended."

Mary surrenders herself upon terms.

A. D. 1567. Le Croc saw that all negotiation must be ineffectual, and desisted. Notwithstanding that, the associated lords preserved a wonderful moderation. Sir William Kirkaldy made a circuit round the eminence where Mary's army was encamped, and with two hundred horse cut off all possibility of Bothwell's escaping to Dunbar. Her excellent sense, by this time, convinced her of Bothwell's profligacy and incapacity. She desired to speak with Kirkaldy, who made great professions of his, and his party's, duty towards her majesty; but previously insisted upon her giving up the murderer of her husband. Bothwell, or more properly speaking the duke of Orkney, overhearing this proposal, offered to fight any of his enemies in single combat. Kirkaldy, the baron of Tullibardine, and lord Lindsay, offered to accept the challenge; but Mary, who at that time had undoubtedly conceived a true idea of her own unfortunate situation, prevented the combat. She saw the inclinations of her people, and dismissed the wretch who had been the author of her ruin.

Her harsh
treatment,

Kirkaldy having obtained leave of his party to hold a conference with Mary, made the strongest professions of their duty and loyalty towards her majesty. She accepted of the terms; but what they were does not clearly appear. If we are to believe the writer of *Melvil's Memoirs*, they agreed to receive the
queen

queen as their sovereign, provided she would discard Bothwell, (who accordingly galloped off the field) and govern her people by the advice of her nobility. According to the representation of her commissioners, which bears great appearance of truth, and, indeed, never was contradicted, they might easily have secured Bothwell; but Kirkaldy desired him to make the best of his way, and promised that none should pursue him. He accordingly rode off, in sight of both armies, without molestation or pursuit. Upon the return of Kirkaldy to the spot where Mary was, "Laird of Grange (said she), I render myself unto you upon the conditions rehearsed to me in the name of the lords." She then stretched forth her hand, which he kissed, and led her horse down the hill towards the associated lords, who received her with the most profound respect. Morton, in particular, promised that they would all honour, serve, and obey her, as much as the most loyal of their ancestors had their kings. Some of the common people offering to insult her, Kirkaldy, and other officers of quality, drew their swords, and protected her with the approbation of all the heads of their party. Buchanan, in relating this event, insinuates as if Bothwell's escape had been favoured by Mary; but he is inconsistent in his relation; and it is plain, from the situation of both armies, had the associated lords been in earnest, they

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Goodall,
vol. ii. p.
162.

A. D. 1567. they could easily have intercepted Bothwell's flight to Dunbar, the only place where he could hope for shelter.

upon her
arrival at
Edinburgh.

When Mary arrived at the associated camp, she made the lords a speech to inform them, that she had put herself in their hands only to avoid the bloodshed of her subjects; and about seven in the evening she entered Edinburgh. Here the scene was most dismally reversed. The common people seemed to forget not only that she was their queen, but a woman. As she went along the streets, the most bitter execrations were poured forth against her; and it was with difficulty that her person was protected from violence. It was in vain that she appealed to the nobility and the guards which surrounded her, and desired to be carried to her own palace; for no regard was paid her, and she was shut up in the house of a common burgher. She remonstrated to the lords upon this treatment; and obtaining no redress, she broke out into reproaches at their perfidy and ingratitude. She employed Maitland, her secretary, to talk with them; and she offered to call a parliament, and to submit every thing, as she had promised, to the sense of her nobility; but all her promises were to no purpose. When she rose next day, she beheld at her window a white flag, in which was delineated the figure of the late king, lying dead under a tree, with the young prince, his son, on his knees,

A. D. 1567.

knees, and a label from his mouth, containing the words, "Judge and revenge my cause, O Lord." The sight of this banner, and of the ruffian guards furrounding the house, got the better of the spirit which Mary had hitherto exerted. She burst into tears, and made a most affecting appeal to the citizens for relief against the traitors who had her in custody. This pathetic address, enforced by the powerful eloquence of sorrow, had so wonderful an effect, that it turned the tide of popular affection in her favour; upon which the lords thought proper to resume their dissimulation, and they carried her, with great shew of respect, to her own palace of Holyrood-house. Mary, without reflecting on their design, made a signal to the people that she was satisfied; upon which they separated. No sooner did she reach the palace than they held consultations in what manner to dispose of her person; and it was at last resolved to send her prisoner to Lochleven; a castle standing in the middle of a lake, and in the possession of those whose interest it was that she should not escape.

She is sent
prisoner to
the castle of
Lochleven.

Murray's mother, who had been married to Douglas of Lochleven, was the mistress of this fortalice (as it was very properly called). This lady had always shewn a particular enmity to Mary, and had at times pretended that she had been lawfully married to James
the

A. D. 1567. the fifth ; and consequently that her son, the earl of Murray, was the true heir of the kingdom. The lord Lindsay's lady was her daughter by her marriage with Douglas, who was the apparent heir to the earl of Morton, to whose estate his family afterwards succeeded. All those, and many other, connections rendered this lady the most proper jailor for the unfortunate queen. To colour this atrocious act of rebellion and perfidy, they pretended that they intercepted a letter written by her to Bothwell, in which she promised never to abandon him, though they might for some time be separated. It undoubtedly was the interest of the conspirators to pretend that Mary did write such a letter ; but had she really done it, is it to be imagined that they would not have published it for their own vindication ? In like manner they gave out, that she appeared so extravagantly fond of Bothwell, that she offered to leave the kingdom, provided she could enjoy his company as a private woman ; but even this report is of their own raising, and rests upon their authority. Throgmorton, it is true, who was sent by Elizabeth to confer with Mary, in one of his dispatches intimates, that the conspirators were afraid of being in a perpetual state of warfare, on account of the affection she still bore to Bothwell ; but he knew this only from the information of the conspirators, and Mary's commissioners

Arts of her
enemies to
blacken
her.

missioners afterwards flatly contradicted their reports. The only foundation they seem to have had, was a tenderneſs Mary had for her own reputation, becauſe ſhe imagined that ſhe was ſeven weeks gone with child; but Throgmorton does not pretend he had even that circumſtance from her own mouth. Admitting, however, that Mary had correſponded with Bothwell after his flight, is it ſurprizing that ſhe ſhould endeavour to avail herſelf of his aſſiſtance to regain her liberty, as ſhe found the terms upon which ſhe had ſurrendered, ſo groſſly violated?

Kirkaldy
reſents her
uſage.

On the ſixteenth of June, the earls of Morton, Athol, Mar, and Glencairn, the lords Ruthven, Hume, Lindſay, Semple, with ſeveral other barons and gentlemen of their party, ſent an order for William Douglas of Lochleven to receive and detain within his fortalice and place the body of the queen, till the murder of her huſband could be tried. Kirkaldy reſented in pretty warm terms this treatment of Mary, which was ſo contrary to the negotiation he had concluded with her by their order. When they objected her attachment to Bothwell, he replied, “ that it was no wonder if as yet ſhe gave him a few fair words; and that he would undertake, if they behaved to her with a becoming reſpect and tenderneſs, and repreſented Bothwell in the odious light he deſerved, ſhe would abandon and

A. D. 1567. detest him in a few days." The conspirators gave Kirkaldy no satisfaction on this head; and the writer of Melvil's Memoirs says, that they produced the intercepted letter, which alone prevented his coming to an open breach with the party. I have already explained the credit due to those Memoirs; but I cannot easily conceive that such a letter (if they did produce it) was of Mary's writing, because nothing can be more certain, as afterwards appeared, than that many of her enemies, or their dependents, knew how to counterfeit her hand.

A party
formed in
her favour.

Her captivity continuing, she wrote an expostulatory letter to Kirkaldy, the contents of which the reader may easily conceive. He answered her in very plain terms; and exhorted her to abolish from her mind all tenderness and partiality for such a monster as Bothwell, whose lawful wife she could not be. Upon the receipt of this letter, Mary is said to have wept bitterly. The bishop of Ross, in his Apology for her, says, that she was committed to the care of the lords Ruthven and Lindsay; the latter a man of a character remarkably brutal, who carried her in the night, in disguise and homely apparel, to Lochleven. By this time, her distresses had touched the minds of many of her subjects; and among others, the lords of Seton, Yester, and Borthwick; the barons of Waughton, Bracs, Ormiston, Wedderburn,

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derburn, Blackader, and Langton. Those noblemen and gentlemen are said to have assembled a pretty considerable force, and narrowly missed rescuing Mary in her journey to Lochleven. She now saw the reason of their pretended tendernefs, in indulging her with her own palace; and that they would have found it a matter of great difficulty to have carried her out of her capital, where the inhabitants deplored her fate, and were every hour returning to their allegiance.

On the very day that the conspirators signed Mary's commitment, they subscribed an affociation, or bond, for rescuing her out of the hands of Bothwell, (the meaning of which expression is difficult, if not impossible, to understand) and for bringing him to punishment for Darnley's murder, and the force he had offered to the queen. Soon after this affociation was signed, a search was made through the city of Edinburgh for certain persons, who were suspected of being concerned in the king's murder. Sebastian, a Frenchman, who had been named in the tickets or advertisements abovementioned, and consequently was a capital object for punishment, was taken; but found means to make his escape. Captain William Blackader, James Edmondstoun, John Blackader, and one Frafer, were likewise apprehended, and ordered to be put to the torture. They afterwards suffered death; but we

An affociation against her and Bothwell.

Keith, p. 407.

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History of
the famous
silver box,
which con-
tained
Mary's sup-
posed let-
ters.

know of no confession they made which could prove Mary to have the least foreknowledge of her husband's murder. One Dalglish, a servant of Bothwell, was apprehended at the same time, and along with him the famous silver box, containing the love letters and sonnets pretended to have been sent by Mary to Bothwell, all which were published by Buchanan in his Detection, prefaced by the following memorandum: "That in the castle of Edinburgh there was left by the earl of Bothwell, before his flying away, and was sent for by one George Dalglish, his servant, who was taken by the earl of Morton, one small gilt coffer, not fully one foot long, garnished in fundry places with the Roman letter F, under a king's crown; wherein were certain letters and writings well known, and by oaths to be affirmed to have been written with the queen of Scots own hand to the earl." The letters contained in this box, which I shall often have occasion to mention, are said to have been eight in number, besides the love-songs, and the whole written in French. The same box is likewise said to have contained a promise of marriage made to the queen by Bothwell.

Proceed-
ings of the
secret coun-
cil,

The associated lords, ever since the imprisonment of Mary, to give some consistency to their proceedings, called themselves the lords of the secret council. Their first meeting, as
such,

fuch, was on the twenty-first of June; but in- A.D. 1567.
stead of concerting any measures for bringing
Bothwell to justice, they passed an act, com-
manding all the lords of session, and the law-
yers of every denomination, to repair to Edin-
burgh, where they were to proceed in the due
and usual administration of justice, with cer-
tification, that if they absent themselves, they
shall be esteemed as partakers with the authors
of the king's murder, and punished accord-
ingly. By another act of the same date, all
clients who had any suits depending upon the
courts of law, were likewise ordered to repair
to Edinburgh. From those two acts it is
plain, that the lawyers, and the subjects in
general, as had happened in the case of Rizio's
murder, did not think themselves at liberty to
proceed in the ordinary courts of justice, while
their sovereign was under constraint; a scru-
ple, which was of the highest importance
for the new government to remove.

It has been admitted by those who are the
most unfavourable to Mary's memory, that had
she remained, without marching towards Edin-
burgh, in the castle of Dunbar, and kept pos-
session of that and other forts, the association
against her must have been dashed in pieces,
for want of being supported by arms, ammu-
nition, and money. Mary had trusted too
much to the success which had always attended
her, when she took the field in person, with-
out

who seize
upon Ma-
ry's plate,
furniture,
and jewels.

A.D. 1567.

out being acquainted with the general detestation of her subjects towards her husband. She saw this when it was too late; but her enemies resolved to avail themselves of her mistakes and their own good fortune. They seized upon all her rich furniture within the palace of Holyrood-house, as well as upon her jewels and plate. Her cupboard of the latter amounted to the weight of sixteen stone, or two hundred and fifty-six pounds weight of silver, which they coined into ready money, and which, I suppose, was exclusive of her gold plate, and the font that had been sent her from England. The furniture and ornaments of her chapel were demolished by the earl of Glencairn and his servants, without any order from the secret council. This act of zeal was far from meeting with the approbation of the associated lords, and the queen's party must have prevailed, had not her adversaries been armed with her own money.

A coalition
attempted,
but it fails.

Knox, the preacher, and his brethren were employed to retrieve their popularity. Mary's friends assembled at Hamilton, where they made a formidable appearance. To draw them to Edinburgh, and to bring about, if possible, a coalition between them and the associators, Knox and three of his brethren carried with them an invitation from the assembly of the kirk, that they would repair to Edinburgh, and assist in their proceedings on the twentieth of July.

This invitation had not the desired effect. The earls of Argyle and Huntley had deserted the associators, and joined with the assembly at Hamilton; and the general answer returned was, that they did not think themselves safe to trust their persons within the walls of Edinburgh. It is uncertain where Bothwell resided all this time; but, ten days, and no sooner, after his escape from Carberry-hill, the castle of Dunbar was summoned by the lords of the secret council to surrender, and a reward of a thousand crowns was set upon his head. It is probable, from some remaining fragments of the council's proceedings, that he escaped northwards by sea; and that, after lurking for some time with his friend the bishop of Murray, at his house at Spynie, he went to the Orkneys. It was, I suppose, soon after this that Kirkaldy fitted out two ships, with which he set sail in pursuit of Bothwell, whom he would have taken, had not his too great eagerness run the ship, which carried himself, upon a shoal of sand. This gave Bothwell an opportunity of escaping to Denmark; but Kirkaldy took his ships and his servants, who gave new lights into Darnley's murder, and brought them prisoners to Edinburgh *.

* Dr. Robertson, in his History, undoubtedly ought to have mentioned the tortures which were inflicted upon those who were executed on account of Darnley's murder; which are of the utmost importance in this case.

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The queen of England was not idle during this revolution in Scotland. Candour must acquit her of having any hand in the calamities of Mary, but perhaps she was not entirely hearty in her professions of serving her. As usual, her conduct was artful and plausible, but still with an eye to her own interest; and she employed Throgmorton, who was now fully reconciled to Leicester, to go as her minister to Scotland. If she gave that minister no other instructions than what have come to our hands among Throgmorton's papers, her mediation was not only proper, but praise-worthy. He received his instructions on the thirtieth of June, and was ordered to promise Mary all her good offices in restoring her to her liberty; but he was likewise to expostulate freely with her upon the errors of her conduct. As I think some writers, warm advocates for Mary, have misrepresented Elizabeth's conduct on the occasion, I shall give part of Throgmorton's instructions in her own words.

Throgmorton's instructions.

“ Now at the last, (says she) this mischief that hath followed in the end, after all these, hath stirred up in us a new alteration and passion of our mind, and hath so encreased and doubled our former sorrow and grief of mind. Behold, suddenly, the raising an intestine trouble, in manner of war, betwixt her and her nobility and subjects, wherein finding her to have

have light into such hard terms, that she is A. D. 1567,
restrained by her nobility and subjects as we
hear from her liberty, our stomach so provok-
ed, we have changed our former intention of
silence and forbearing to deal in her causes;
first, to an inward commiseration of her, our
sister, for this last calamity; and next, to a
determination to aid and relieve her by all pos-
sible means for the recovering of her to her li-
berty, and not to suffer her, being by God's
ordinance the prince and sovereign, to be in
subjection to them that by nature and law are
subjected to her. For which very purpose,
you shall say, we have sent you, at this time,
to understand truly her estate, and the whole
manner how the same has happened; and to
confer with her what may be thought meet for
us, as her sister and next neighbour, to do for
her, be it by counsel, force, or otherwise: and
therefore you shall require her to impart to
you, that which indeed she can require of us
in honour to be done for her, to bring her to
liberty, and her realm to concord and inward
peace; and so doing you shall assure her we
will do as much for her (the circumstances of
her case considered) as she were our very na-
tural sister or only daughter. And at the
hearing of her declaration, you shall require
her to bear with you, if, according to our di-
rection, you do declare also unto her where-
with her nobility and subjects charge her; and

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so you shall orderly make full declaration thereof; adding therewith, that your meaning is not to encrease her calamities, but to the end, upon the truth known, her subjects may be duly reprehended and corrected for things unduly laid to her charge: and in other things, wherein her fault and oversight cannot be avoided, or well covered, the dealing therein and order thereof may be with wisdom and policy so used and tempered, as her honour may be stayed from utter ruin, and her state recovered with some better accord to follow her and her subjects."

Throgmorton is then instructed to expostulate with Mary's subjects, and to threaten to force them to set her at liberty, if they refused to do it of their own accord. He is ordered at the same time to lay before Mary the failures of her government, and to persuade her to proceed with caution and lenity in matters of state, but with inflexible severity in punishing the death of her husband, who, as Elizabeth says, was the first prince of her blood. She observes, that if Mary should discover any backwardness in this pursuit of justice, it will be considered by her, and all the world, as a presumption of her guilt. She next instructed Throgmorton to deal with Mary to send her son into England to be educated, and to offer sufficient hostages for his safety; and she concludes by giving him to understand, that her
true

A. D. 1567.

true meaning was, that he was in her name to disapprove of the proceedings against her, and her imprisonment; but that she approved of the noblemen who had taken the field to bring the murderers to justice; and that though he was to labour for her deliverance, yet it was to be in such a manner as that they should be in no danger from Mary's resentment.

Throgmorton had another set of instructions to direct him in negotiating with the associated lords. He agreed with them as to the expediency of enquiring into the murder of Darnley, and punishing its authors, and likewise for securing the safety of the young prince. He offered the mediation of his mistress between Mary and her nobility, and to do all he could to procure them a reasonable satisfaction from their sovereign, but still upon the condition of her being immediately restored to liberty. "For (said Elizabeth) though we will not deny that she may be charged with some defaults and oversights, yet we take it not to be appertaining to subjects, in such a manner, to reform their prince, but otherwise to deal by advice and counsel, and failing hereof to leave the rest to almighty God." Throgmorton was then to endeavour all he could to know what propositions had been made by the court of France during the late distractions, and to convince the lords how much more preferable her friendship was to

and plan for
settling
Scotland.

A. D. 1567.

that of the French. He was next to produce a paper of propofals from Elizabeth for reconciling the two parties. The queen to be fet at liberty was the fubftance of the firft article. Mary was to be made fenfible of Bothwell's guilt, and a divorce was immediately to follow, while ſhe was to give commiſſion to certain noblemen for proceeding againſt Bothwell and his accomplices. A parliament was to be aſſembled, and a general peace proclaimed. The caſtles of Dunbar and Dumbarton were, by Mary, to be committed to two noblemen who were not participant with Bothwell in his crimes, and who were to give ſecurity to the prince's tutors not to admit Bothwell or any foreigner within their charges. The queen was to diſpoſe of all the great offices in the kingdom by the advice of her council. The ſucceſſion to the crown was to be eſtabliſhed according to the laſt act of parliament, as was the proteſtant religion, only with an exception to the queen's own perſon and a certain number of her attendants. A general pardon was to paſs; Bothwell's eſtate was to be forfeited and applied to the education of the prince; the numbers, powers, and forms of the great council were to be regulated, and no ſtranger was to bear any office in the queen's houſhold. The breaking of any of thoſe proviſions, after being eſtabliſhed by parliament, was to be puniſhed as high treaſon, and the queen

queen of England was to be applied to, to become a maintainer of the same parliament.

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When these proposals are candidly considered, no part of them appears so reprehensible as the last, which in fact calls in a foreign guarantee between Mary and her parliament, and consequently strikes at her and her people's independency. Throgmorton arrived at Fastcastle on the eleventh of July, and there met with the earl of Hume, secretary Maitland, and Sir James Melvil, though no mention of this is made in the Memoirs which go under the name of the latter. Throgmorton continued there for four days, and found Maitland a little piqued at Elizabeth not returning a favourable answer to a letter which had been sent her from the associated lords. When he arrived at Edinburgh, he found the violent party so much inflamed by the writings of Buchanan, and the sermons of Knox, that they were to be satisfied with nothing less than Mary's blood. Throgmorton, though employed by Elizabeth, was, as I have already mentioned, a secret friend to Mary; and Maitland, though deeply engaged in the association against her, was sensible of her innocence, and wished for her deliverance, as did several other associated lords. Another party, at the head of which was the earl of Athol, was for crowning the prince, and establishing a council of government under him, while the queen was to resign

Difficulties
of his negotiation.

A. D. 1567.

sign all future concern in public business, and retire to a private life, either in France or England. Another party were for bringing her to a public trial, and for shutting her up in perpetual imprisonment when convicted. Knox and the enthusiasts of his party were for depriving her of life, as well as her crown and liberty. The truth is, Morton was the secret spring of Mary's destruction, and was indifferent with regard to the disposal of her person, provided she was stripped of her dignity, and the regency vested in his friend the earl of Murray, under whom, or with whom, he knew he must have the chief direction; and he had procured a party of the associated lords to send Murray an invitation into Scotland for that purpose.

He is denied
access to
Mary, and
his instruc-
tions are
answered.

Morton and his friends, who were then at Edinburgh, were no strangers to Throgmorton's instructions. They had refused to suffer Villeroy, the new French ambassador, (who had been sent to dissuade Mary from marrying Bothwell) to see her; and they made use of that argument for denying Throgmorton the like admittance. They even insinuated to Throgmorton, that, considering the behaviour of Elizabeth, who, among other things, had refused to assist them with a small sum of money, they thought it would be improper to exasperate the French king, as they knew not how soon they might stand in need
of

A. D. 1567.

of his assistance; and that they every day expected another ambassador from that court. The result of the whole was, that he received an absolute refusal of all access to Mary, under pretence, that a number of the associated lords were then absent from Edinburgh, and that their consent was absolutely necessary before he could see her. Throgmorton found himself under a necessity of laying his instructions before Morton and the other lords at Edinburgh, who answered him in a paper, in which they painted Bothwell's conduct in the most infernal colours. They spoke of the prince's destruction as being inevitable, if they had not taken arms against him; and (what is not commonly known) they said, that had they not done it, they most firmly believe they must have recommended him and themselves to the hands of God, and likewise the soul of their "sovereign the queen, who should not have lived with him half an year to an end, as may be conjectured by the short time they lived together, and the maintaining of his other wife at home at his house." Though this is a very extraordinary charge, yet we know not how to disbelieve it, as it was so recently urged. They then accused Mary of her obstinate attachment to Bothwell, and gave that as the reason for sending him to prison. It is remarkable, however, that they made no mention of the letter which they had pretended to have inter-

A. D. 1567. intercepted from her to Bothwell; a strong presumption that no such letter ever existed, especially when we reflect, that Mary afterwards, in the most solemn manner, disclaimed any such attachment.

Remarks
upon the
answer.

The most remarkable circumstance, however, attending this paper is, that though it is dated the eleventh of July, and though the silver box with the letters and sonnets addressed by Mary to Bothwell, was pretended to be discovered on the twentieth of June preceding, yet no mention is made of that discovery, nor is there the least insinuation to that purpose; though, had it been real, it must have been of more service to their cause than all their other allegations. During this state of Throgmorton's negociation, he was considered by Mary's friends and the party assembled at Hamilton, as being commissioned by Elizabeth to deliver her. They had entered into associations for her service. The duke of Chatleheraut's family, the archbishop of St. Andrews, the earl of Argyle, and the lord Herries, had made separate applications to Throgmorton; but he was of opinion, that the Hamiltons and Argyle desired her liberty, the one, that she might be married to the abbot of Arbroth, who, next to the earl of Arran, was to be the head of their house; and Argyle, that she might marry his brother. Knox and the violent party were all this while busied in summoning a kind of
a na-

a national assembly, for proceeding against Mary; and their violence gave Throgmorton reason to apprehend that their resolutions would be fatal to her person. Without entering into all the particulars of his dispatches to Elizabeth and Cecil on this occasion, it is sufficient to say, that he acted with great zeal in Mary's service, and as a casuist as well as an ambassador. He put the leading lords in mind, that by giving way to the violent party, they might become masters of the government; and he combated the prevailing notion, that Mary, or any other earthly sovereign, was subject to be called to an account, and even put to death, for their proceedings. He had a powerful antagonist to encounter in the person of George Buchanan, who is said to have written, on this occasion, his elegant Dialogue upon the Government of Scotland; the principles of which are as indisputable, as many of the facts that are brought to support them are doubtful. It is, however, one of the best apologies for public liberty that ever was penned. This publication soon attracted the attention of all parties to the history of Scotland. That of Boece, who wrote to justify the murder of James III. was well known; and his facts gave Mary's enemies many advantages over Throgmorton. He applied from time to time for leave of admittance to Mary; but it still was refused. The only person whom she could trust, and who was

A. D. 1567. admitted to her presence, was Sir Robert Melvil; and on the sixth of July he delivered a letter from her to the lords, the contents of which fully inform us of her miserable situation while in prison, and demonstrate the futility of all the party pretexts of moderation and tendernefs for her person. She petitioned, on account of her health, to be removed from the unwholesome place of her imprisonment to the castle of Stirling, where she might have the company of her son; and if that was denied her, that she should have proper female attendants about her person, her apothecary, and a modest minister; that she should be indulged with an embroiderer, and a valet de chambre. She desired that Throgmorton might have access to her presence, and consented to the prosecution of her husband's murderers.

Throgmorton's correspondence with Mary,

Throgmorton had now found means of corresponding with Mary; but he took upon the credit of her enemies, all that he wrote concerning her reluctance to give up Bothwell. The party among the nobility who were disposed to favour Mary, appeared to be as keen as her most violent enemies were, for prosecuting Bothwell; but her miserable situation had now converted to her cause all the nobility who were not in the secret of Darnley's murder; and their meetings at Hamilton and other places became more full and frequent than

than ever. Morton and her enemies were now driven to provide for their own safety. They could not, without incurring the resentment not only of the Hamiltons and other powerful noblemen, but of Elizabeth and all the crowned heads in Europe, bring her to a public trial, and punish her capitally or personally; and therefore it was proposed that she should be prevailed on, either by force or fair means, to resign her crown to her son. This resolution, in general, being agreed on, Sir Robert Melvil was applied to, to return to Mary, and to persuade her to the terms. At first he declined having any concern in the matter; but the earls of Athol and Mar, secretary Maitland, and Kirkaldy, prevailed upon him to carry from them a message, acquainting her that she ought to agree to the terms, because the circumstances of compulsion under which she was, would render them of no effect, if affairs should take a turn in her favour. Throgmorton was of the same opinion, and sent it in writing to Sir Robert Melvil, who carried the paper in the scabbard of his sword, and presented it privately to Mary.

After Sir Robert Melvil had refused to be concerned publicly in the measures proposed by the associated lords, it was agreed, in a full meeting, that the lord Lindsay should be employed to press her to compliance in the most brutal manner. He was attended by Sir Ro-

who resigns
her crown.

A. D. 1567. Robert Melvil, who was to use gentle measures; and Lindsay was furnished with three deeds, which he was to present to Mary, to be signed by her. By the first, the earl of Murray, who was not yet returned to Scotland, was appointed regent of the kingdom, during the prince's nonage; and a council was nominated for transacting public affairs, till his arrival. By the second deed, Mary resigned all her authority in favour of her son; and by the third, she nominated other noblemen for the regency, in case Murray should decline it. Melvil was first admitted to Mary, who seemed refractory against any compliance; but understanding that Lindsay was at hand to enforce it, and was behaving in the most ruffian-like manner, she burst into a flood of tears, and resolved to sign all the three papers, without so much as looking into their contents. In a declaration, which was afterwards emitted by her commissioners, they say, that Sir Robert Melvil presented her with a ring, and tokens from the earl of Athol, the baron of Tullibardine, and Maitland, to persuade her to sign; and that lord Lindsay threatened to make her a close prisoner, and to proceed to still greater extremities, if she did not comply; but that she protested, at the time of her signing, that it should not be binding upon her afterwards.

Violence of
her ene-
mies.

Lord Lindsay lost no time in returning to Edinburgh with the signed instruments, which he

A. D. 1567.

he produced on the twenty-fifth of July to the council, who approved of the same, and came to a fresh association for carrying them into execution. The inactivity of Mary's friends, and the more moderate part of the nation, who were in power, and in every other respect, superior to her enemies, at this time, was amazing, and can be only accounted for, either by the divisions among themselves, or by tenderness for Mary's person. It is probable, both those considerations operated. Knox and his party were now exercising more than papal powers, and had summoned, by circular letters to their kirk-assemblies, all the subjects in the kingdom, of rank or eminence, to sit in judgment upon Mary. Many excused themselves; but when the assembly met, the lay members bound themselves, in a writing, to resume the thirds of the benefices which were in the queen's hands, and in the next parliament to concur with other measures in favour of the protestant religion, and for revenging Darnley's murder on all and whatever persons shall be found guilty of the same; "seeing (continue they) the plague of God shall not depart from the country or town where innocent blood is shed, before the same shall be cleansed by shedding the blood of the offenders." According to Throgmorton's dispatches, the same members had resolved, if Mary should prove refractory, to have brought her to a public trial.

A.D. 1567. trial. Those considerations of her danger might naturally have some influence upon her friends, as well as their own divisions.

Queen Elizabeth, whatever her secret intentions might be, affected great displeasure at the proceedings of the associated lords, and their refusing to admit her ambassador to Mary's presence. She repeated her orders to Throgmorton in a very menacing strain, upbraiding Morton for his ingratitude, and enjoining Throgmorton not to be present at the coronation of the prince, which was fixed to be at Stirling on the twenty-ninth of July. It was thought proper to intimate this resolution to the noblemen assembled at Hamilton, and Sir James Melvil was pitched upon for that purpose. The chief of those lords consisted of the heads of the Hamilton family, and the lords Fleming and Boyd. Melvil at first declined the commission; but was prevailed upon to accept of it by Maitland, Kirkaldy, and some of Mary's friends. He found the lords assembled at Hamilton; but some of the younger sort made light of Mary's resignation, to which, as they said, she had been compelled. The archbishop of St. Andrew's had a more comprehensive view of her situation, and treated Melvil's message with great politeness. He commended the laudable intention of the associated lords, in bringing the murderers of Darnley to justice, in which he said, he

he and his friends would have concurred, had they been acquainted with their sentiments; but that seeing so great a part of the nation in arms, they were called upon, in common prudence, to assemble in their own defence. Melvil returned with this answer to the associated lords at Stirling, where he found them greatly divided. Many of them thought that the answer of the archbishop ought to be deemed satisfactory; but the opposite party prevailed, very possibly with a view of driving the Hamilton party into acts of violence, which might forfeit their estates. They affected to treat Melvil as an agent for the queen and the Hamiltons, and proceeded in their preparations to crown the prince without their participation.

The queen's friends, many of whom had hereditary services at the coronation, looked upon this proceeding of the associated lords as a kind of proscription. The duke of Chatleheraut, and those who were in entail to the crown, protested formally, that the coronation should be no bar to their just rights; and from that time the nobility was divided into two parties; one called the queen's lords, the other, the king's. The former retired in a body to Dumbarton, of which castle the lord Fleming was governor, and there entered into a bond, by which they promised to exert themselves, to the utmost, to obtain her majesty's deli-

Protests against the coronation,

A. D. 1567. deliverance out of her prison; to bring the murderers of Darnley to punishment; and to ensure the safety of the young prince. This bond, or association, was signed by the archbishop of St. Andrew's, the earls of Argyle and Huntley; the lords Ross, Fleming, Herries, and others, both ecclesiastics and laics, of great interest and consequence.

which is
performed
at Stirling.

In the mean while, the king's lords, at the head of which were the earls of Morton, Athol, Glencairn, Mar, Menteith, the lords Hume, Lindsay, Sanquhair, Semple, and Ochiltree, assembled at Stirling on the twenty-ninth of July, the day appointed for the coronation of the young king. They admitted the duke of Chatleheraut's protest*; and the queen's resignation being produced and received, the earl of Morton swore allegiance and fealty to the young prince, in which he was followed by all the assembly, the bishop of Orkney administering the oath. Some dispute happened about the ceremony of unction, which Knox and his brethren opposed, as being a Jewish ceremony. It was, however, performed in the parish-church at Stirling, and very probably by the same bishop. In the procession from thence back to the castle, after the ceremony

* The writer of Melvil's Memoirs is not very consistent in the account he gives of his own conduct, at this period; and it is surprizing he should say, that the queen's lords were "not permitted to come to the coronation, nor yet to take instruments that they should not be prejudged in any sort."



J. Taylor sculp.

JAMES VI.

was over, the earl of Athol carried the crown, A. D. 1567.
 the earl of Morton the scepter, the earl of
 Glencairn the sword of state, and the earl of
 Mar the newly inaugurated king.

The right reverend Mr. Keith has raised
 some objections against the formality, rather
 than the validity, of this coronation; but
 they vanish in the fundamental objection of
 the whole being an illegal act, as Mary's re-
 signation was extorted from her by force, and
 under the fear of death. The day after the
 coronation, the privy-counsellors, who were
 to execute all acts of government, till the ar-
 rival of the regent earl of Murray, deprived
 the earl of Huntley of his lieutenancy in the
 north. Murray himself had narrowly escaped
 out of France, where Mary's ambassador, the
 archbishop of Glasgow, had obtained an or-
 der for his being arrested, and came over to
 England. Notwithstanding all the zeal and
 professions of Elizabeth for Mary's deliver-
 ance, it is certain, that her great minister, Ce-
 cil, kept up a correspondence with Murray,
 and supplied him with money while he was
 in France. This has been urged as a proof of
 Elizabeth's duplicity; but I think without any
 manner of reason, as she had a good opinion
 of Murray, who had always professed himself
 to be the sincere friend of Mary. Upon his
 arrival at London, he had an audience of
 Elizabeth, and perhaps informed her that the

Murray ar-
 rives in
 Scotland.

A. D. 1567. regency had been offered him, but that he would make use of his credit only to serve Mary. Sir James Melvil, who still continued with the king's lords, was appointed by them to meet Murray at Berwick, to inform him of the true state of public affairs; but they differed as to his instructions. Morton and his friends, who were resolved to come to extremities, instructed him to behave towards Mary with sternness and severity. The earls of Mar and Athol, secretary Maitland, the baron of Tullibardine, and Kirkaldy, who pretended to join with the associated lords, only to revenge the murder of Darnley, were more humane, and sent their opinion in favour of Mary, who they said was now undeceived in many respects, and was reclaimable by mild and gentle usage.

His conduct.

When we review Murray's conduct, it must be allowed to be that of a complete politician. He had kept up the most favourable appearances towards Mary; and though he had no right from blood or inheritance to the regency, yet, every thing considered, he was undoubtedly the most proper person in the kingdom to be appointed to that high office. His after conduct proved that the regency was the great object he always had in view; and from the time he was nominated, he resolved to hold it at the expence of humanity, gratitude, and every virtuous consideration. He did

A. D. 1567.

did not seem to disrelish the advice of moderation towards Mary's person ; but hesitated to accept of the regency. This difficulty, however, was soon conquered, after he met with his friends in Scotland. Along with him came one Lignerol, as embassador from the French court. This minister demanded an audience, in which he offered his master's best offices to re-unite all the nobility ; but he was answered with great indifference, that they wanted no foreign interposition for that purpose. Upon his requiring to see Mary, he received a flat denial ; nor would the reigning powers suffer him to repair to her lords. All he could obtain was, liberty to send a messenger to them, to invite them to a conference at Edinburgh, where there is little room to doubt they would have been shut up in prison.

When Murray waited upon Mary at Lochleven, he was attended by the earls of Athol and Morton. She received him as the only friend she could trust. She poured forth her soul before him in a flood of tears, complaints, and lamentations. She confessed herself blameable in certain points of conduct ; she justified some, and others she extenuated. Murray's behaviour was barbarous beyond expression. He spoke to her in the stile of a confessor who was preparing her for death ; and next morning all she could obtain was, that he would endeavour to save her life ; but that it was quite impro-

A. D. 1567. per, even upon her own account, to grant her her liberty. The afflicted queen, glad of this glimpse of assurance, tenderly embraced him, and pressed him to accept of the regency, as the only measure that could preserve herself and her son, and restore tranquillity to the public. He seemed to decline that honour; but upon the queen's repeating her solicitations in the most earnest manner, he acquiesced, which gave him afterwards a plausible pretext to alledge, that he had accepted of the regency at her desire. They parted with great seeming affection, especially on her part. She entreated him to take charge of her jewels, and seemed to rejoice that her life was in safety; but he told her that he could give her no such assurance, because it depended upon the lords; and that her best course was not to attempt an escape.

Throgmorton's instructions.

Throgmorton had been instructed by his mistress to use his utmost endeavours that the young king should be carried into England for his education. This was disagreeable to the Scotch nobility in general; nor could Throgmorton succeed. Maitland peremptorily told him, that the party was indifferent about Elizabeth's determination, and would always find a resource in the friendship of France. He remarked, at the same time, that all Elizabeth's conduct proceeded from self-interest. "Will the queen, says he, your mistress, arm
two

two or three ships to attend Bothwell; pay a thousand soldiers, for a time, to reduce all the forts of this kingdom to the king's obedience? Then we will say, doing this, that her majesty mindeth as well these other matters spoken of, as the queen's liberty." Throgmorton next applied to Murray, who confirmed all that Maitland had said. He approved of the conduct of the lords who had taken arms in his absence, and declared that he would not quit the regency but with his life. He hinted, at the same time, that Elizabeth was mistaken in her policy, by interesting herself so much as she did in Mary's favour; and that the French ambassador, Lignerol, had consented to visit the young king, and acknowledge him as such.

All this while, Mary's confinement was rigorous, and her friends complained that they had no opportunity of knowing her sentiments, even with regard to her prepossession for Bothwell, which was the great hinge of the charge against her. They therefore applied to Elizabeth, who ordered Throgmorton to represent to the associated lords their cruel treatment of their sovereign. "We cannot perceive," said she, they can answer the doubts moved by the Hamiltons, who, howsoever they may be carried for their private respects, yet these things, which they move, will be allowed with all reasonable persons; for if they

Complaints
of Mary's
friends.

may

A.D. 1567. may not, being noblemen of the realm, be suffered to hear the queen, their fovereign, declare her mind, concerning the reports which are made of her by such as keep her in captivity, how should they believe the reports, or obey them that do report it? And therefore our meaning is, you shall let the Hamiltons plainly understand, that we do well allow of their proceedings, so far forth as the same doth concern the queen, their fovereign, for her relief; and in such things as shall appear reasonable for us to do herein, for the queen, our sister, we will be ready to perform the same. And whereas it is required, that upon your coming thence, the lord Scroop should deal with the lord Herries, to impart their meanings to us, and ours to them, we are pleased therewith; and we require you to advertise the lord Scroop thereof by your letters, and to will him to shew himself favourable to them in their actions that may appear plainly to tend to the relief of the queen, and maintenance of her authority."

Letter from
Throgmor-
ton to Ce-
cil, Sep-
tember 1.
Satisfaction
from him
upon the
following
points.

In the oath of office, which Murray took when he accepted the regency, he swore that he would be careful to root out all heretics, and enemies to the true worship of God. The reader from this, may judge what a near relation there is between the zeal of one church with that of another, though their principles may be diametrically opposite. Elizabeth disliked
the

the manner of his proceeding; and charged Throgmorton to obtain satisfaction from him upon the following points: "That he should have access to Mary; that Murray should explain by what authority he had assumed the regency; that Elizabeth might be made sensible Mary had given her voluntary consent; that some time might be prefixed for her deliverance; and lastly, that some plan might be drawn out concerning her estate and condition, after Bothwell's apprehension and trial." Murray, after repeating what Throgmorton had signified to Elizabeth, in his letter of August the twenty-second, replied to all those demands as follows, in Throgmorton's words: "That as to the acceptation of the regency, he said it was now past; and as for ignominy and calumnation, he had none other defence against that but the goodness of God, his upright conscience, and his intent to deal sincerely in his office; and if that would not serve, he could not tell what to say; for now there was none other remedy, but he must go through with the matter. As to the queen's majesty's satisfaction for the queen his sovereign's consent, touching the government conferred upon him, he said he would be loath to allow any such matter, and especially a thing that touched himself, if he had not the queen's consent thereunto, confirmed by her own mouth. As unto some certain time for
the

A.D. 1567.

A.D. 1567. the queen's enlargement to be prescribed, which I demanded, he said the lords could not resolve thereupon, because her liberty, and the time thereof, depended upon accident: Albeit, (said he) for my own part, I could be contented it were undelayedly. As unto that which I demanded for the queen's condition and estate, after Bothwell's apprehension and justifying, he answered, they could not merchandize for the bear's skin before they had him."

Elizabeth
interests
herself for
Mary at the
French
court.

Throgmorton easily saw, from the strain in which Murray talked, that the party resolved to come to extremities even with Elizabeth, rather than set Mary at liberty. They laboured to persuade him that her regal power was then at an end by her resignation, and they offered him a present of gilt plate in the name of their young king. Throgmorton refused this, or to acknowledge him in any other capacity than that of prince of Scotland. Throgmorton's negotiation with the regent being thus at an end, Elizabeth instructed Norris, her ambassador at the French court, to lay before that king, the queen-mother, and even the cardinal of Lorraine, Mary's danger, and dismal condition. Pasquier, a person of rank, was by them sent over to concert with Elizabeth the means of her deliverance. Elizabeth informed Pasquier how unwilling she was to proceed to violence for Mary's deliverance, her

enemies,

A. D. 1567.

enemies, in whose hands she was, appearing to be so bloody and determined, and even her friends, the Hamiltons, having sided with the regent; for so Elizabeth had been informed. Elizabeth, however, as a proof of her sincerity, joined with the French king, in prohibiting the commerce of Scotland with England and France, as being the most ready means of bringing the trading part of the nation to favour the queen.

Murray, whom we are now to call the regent, was sensible of his danger, and sought to prevent it by a new association of his party. He summoned them together on the fourth of December, not in the form of a parliament, nor of a privy-council; for many assembled who were not privy-counsellors. There, after long debates, a declaration was agreed upon, "that they would publish to all the world, tho' they were loth to do it, on account of the regard they had for the queen's own person, the reasons of their proceeding against her, by their appearing in arms, taking her prisoner, and detaining her in Lochleven; all which was owing to the queen herself, as appears from several private letters written and subscribed with her own hand, and sent to the earl of Bothwell, who was the perpetrator of king Henry's murder; that those letters were written both before and after the murder; and that by her ungodly proceeding in a private marriage with

A new association in favour of Murray,

A.D. 1567.

him thereafter, it is most certain that she was privy, art and part, of the murder of the king." They, at the same time, engaged themselves to procure an act of parliament for justifying all that had been done against the queen, whom they seemed determined to keep in perpetual imprisonment. A copy of this association was sent by the parties to secretary Cecil, under the title of an act of the privy-council of Scotland, which it certainly was not, because many who were privy-counsellors voted at the meeting. We are therefore to look upon it as a deed of confederacy to obtain an act of parliament for their own justification and indemnification; an act which was very necessary for all who had appeared in arms against Mary, even such of them (among whom were Maitland and Kirkaldy) as were convinced of her innocency. Some historians have taken it for granted, "that certainly letters, true or false, were laid before the council." I can find no authority for this in the pretended act, where such exhibits, had they been made, would undoubtedly have been mentioned. I am therefore of opinion, that the bulk of the assembly took the matter for granted, upon the credit of Murray and Morton; the fact, however, is not very material. But to proceed in our history.

Mr. Hume.

who becomes master of the forts of the kingdom.

Murray, the day after he was proclaimed regent, ordered all the public seals of the kingdom

A. D. 1567.

dom which carried the name and title of the queen, to be broken. He then entered into a treaty with Sir James Balfour for the surrender of the castle of Edinburgh. This gentleman (as we have already seen) had acted in that trust as deputy for Bothwell, and the terms he obtained from the regent were far from being honourable to either of the parties. Balfour's first stipulation was, that he should have a remission for art and part of the king's murder; a strong presumption of his guilt, and of Murray's dissimulation in his pretended zeal for bringing the murderers to justice. He and his son were to have a gift of the priory of Pittenweem, a hereditary pension of victual, a large sum of ready money, and the castle was to be put into the hands of Kirkaldy. The regent next summoned the governor and officers who held the castle of Dunbar for Bothwell. No regard being had to this summons, nor to deliver up the person of one Wilson, the regent drew some heavy artillery out of the castle of Edinburgh, and besieged it in form. The governor, of whose name we are uncertain, at first declared he would defend the castle to extremity; but finding the regent in earnest, he surrendered it on the first of October. The earl of Morton, the lords Hume, Lindsay, and others, separately applied for the government of it; but the regent very wisely ordered all its artillery and warlike stores to be carried to

His impo-
litic se-
verity.

A. D. 1567. Edinburgh, and committed the custody of the castle to the citizens of Dunbar, till he obtained an act of parliament for demolishing it, and likewise the fort upon Inch-keith.

Notwithstanding those successes of the regent, he was still apprehensive of the Hamilton party, as well as the gentlemen lying to the south and south-east of Edinburgh; and summoned many of them to appear before him and the counsel, and others to surrender themselves prisoners in separate forts, on pain of rebellion. From other proclamations, and acts of the privy-council, it appeared, that the inhabitants of East-Lothian, and other counties, where Bothwell's estates lay, were very refractory to Murray's officers, and had even opposed some of them, by force, in the execution of their duty. At last, it was found necessary that the regent, attended with the earl of Morton, and the lords Hume and Lindsay, should march in person to the borders, where they surprized, at a fair, some of the chief delinquents, who are called thieves, and brought them to justice.

These severities and the growing power of the regent revived the attention and jealousies of the queen's party. Such of them as had best opportunities of knowing Mary's mind declared, that it was her opinion the regency (if a regency was necessary) lawfully and naturally belonged to Chatleheraut. A new meeting

meeting being held at Hamilton, the earl of Argyle, as being the most acceptable personage present, with some of his friends was sent to desire a conference between the regent and the queen's lords; but the letter he presented for that purpose being addressed to the earl of Murray only, and not to the regent, was rejected by the council. This did not discourage Argyle, who, in company with the lord Boyd and the abbot of Kilwinning, repaired to Edinburgh; and it was agreed between them and the council, that a parliament should meet the fifteenth of December *. Many representatives of burghs, who are said to have been the creatures of Murray, attended at this meeting. Its first business was to confirm Murray in the regency, in consequence of Mary's dismissal and her son's coronation. The members next entered with the greatest vigour upon ecclesiastical affairs. The Confession of Faith was confirmed and published; confiscation of lands and goods, together with corporal punishment, were the penalties annexed to the first hearing of the mass, banishment to

A parliament.

Laws against the Roman Catholics.

* It carries the look of something worse than a mistake for Buchanan to say, that this parliament was held on the twenty-fifth of August, unless that date is an error of the press; which is not very likely, as it stands at full length in the edition of his History printed in his own life-time, and in all the subsequent ones. What makes this anachronism the more remarkable is, that he certainly was at that time in Scotland very busy in the management of affairs, and had been moderator of the general assembly in July preceding.

A. D. 1567. the second, and death to the third. All public offices were to be held only by professors of the Protestant religion, heritable and life-rent offices excepted. The clergy, encouraged by the regent, made a strong effort for repossessing themselves of the church's patrimony; but in this they were deceived, as the lords and great landholders were interested in the question. The thirds therefore of benefices only were enacted to belong to the clergy, and all schools, colleges, and universities in the kingdom were to be reformed. The severest laws were made against fornication. Death was to be the punishment of incest, and of marrying within the degrees of consanguinity forbidden in the book of Leviticus. The severity of the last article is undoubtedly overstretched; but it is levelled at such of the Roman catholic party, who were still very numerous in Scotland, as should privately procure dispensations from Rome.

Farther regulations.

The mint, and the abuses committed on the borders, which were now of the most daring criminal kind, were next reformed; and (which is pretty extraordinary) the frequent practice of transporting horses from Scotland to France was rendered penal. Several other internal regulations took place at the same time; but they were such as are of no great importance in general history. The chief business of this parliament next fell under deliberation. The queen's party temporized with the governing powers,

A. D. 1567.

powers, and lord Herries, it is said, publicly approved of their proceedings against Bothwell. He exhorted the earls of Huntley and Argyle and other members to acknowledge the young king's authority; and threatened, that if they refused, they should be compelled by the duke of Chatleheraut, (who was now returned to Scotland) himself, and their friends *. Whatever may be in this behaviour of lord Herries, it is natural to suppose, that if Mary had a sincere friend in the parliament, he would have spoken in the manner that lord Herries is said to have done. The most violent part of the assembly appeared to be so well convinced of her guilt, that they called out for her trial and execution according to law; and it is well known, that the same force which had been employed in obtaining her resignation, could have deprived her of life in the like manner; and constitutionally speaking, the criminality of the one act was little inferior to that of the other. After various debates, an act, in substance but little different from that of the fourth of December, already mentioned, was drawn up. Its contents were as follow:

“ It being proposed, whether the noblemen,

A new act
of parlia-
ment against
Mary.

* I have given an account of this behaviour of lord Herries from a paper said to be in the Paper-office, and printed in the appendix to Dr. Robertson's History. But the truth is, the paper itself makes a very naked appearance, with no sign of authenticity, and is plainly written by a violent partizan of Murray, with a view probably of influencing Elizabeth and her ministry.

barons,

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barons, &c. who appeared in arms at Carberry, on the fifteenth of July, and had imprisoned the queen, and those who had joined them since, had acted as true and faithful subjects; our sovereign lord, with the advice of my lord regent, and the whole body of the present parliament, decrees, that whatever they have either done or written, from the tenth of February to the present time, was lawfully and loyally done; they therefore acquit them of any future prosecution on that account; for if the queen was confined, and her property disposed of, it was her own fault; it being demonstrable from her own letters, as well as from her ungodly and pretended marriage with Bothwell, as his sham-prosecution, that she was conscious of the murder of the king her husband, and that they intended to destroy the prince; so that she not only deserved what was past, but whatever should be done to her for the future: yet was not this declaration, which the members signed and sealed, to prejudice the succession to the crown of her lawful children, or their heirs."

Black Acts
l. 15. c. 19.

The warmest, and latest defenders of Mary's memory, as well as her enemies, have admitted that the letters, so often mentioned, were produced likewise before this parliament; and the instructions afterwards sent from Scotland to her commissioners in England, give some countenance to the fact. It is, however, extremely observable,

observable, that the letters mentioned in the act of the privy-council say, "That they were subscribed as well as written with her own hand." But the letters mentioned in this act of parliament only say, that they were "written haliely (that is wholly) with her own hand." This variation specifically alters the complexion of the charge against Mary, and is, I think, a strong presumption that two sets of letters were drawn up, one pretended to be subscribed with her hand, the other not, and that both were forgeries. The fabricators of the first set might subscribe them with Mary's hand; but when they came to reflect that those letters were to be produced in a great assembly, where almost all the members knew her subscription, but few her hand-writing, they might think the cheat too gross; and therefore they substracted the circumstances of the subscription from the charge. It is, however, certain, that Mary complained that several people in Scotland, both men and women, could counterfeit her hand-writing. The ingenious author of the Inquiry into the Evidence against Mary, has observed, that the apology urged by a modern historian for the authenticity of the letters, as if the difference abovementioned proceeded from the inaccuracy or blunder of the clerk, because the letters were only wrote by her, and the contract with Bothwell was only subscribed, is inadmissible on all the rules

A. D. 1567.

Goodall,
vol. ii. p.
360.Remarks
upon the
same.

Mr. Hume.

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of common sense and grammar. In the act of privy-council, no mention is made of any second contract that was made with Bothwell, and the words "written and subscribed with her own hand" can be applicable to the letters only. Add to this, that though the contents of the two acts are almost the same, the word "haliely" is inserted in the second, only to supply the place of the words "and subscribed."

Four of
Darnley's
murderers
executed
without ac-
cusing her.

It may be urged, that they who could counterfeit Mary's hand so well, as that it could not be discerned from her real writing, could counterfeit her subscription likewise. That her hand was counterfeited I can easily admit; but that the fabric of those letters could not be discerned from her true writing, by those who were acquainted with it, is against the evidence of common sense. Had there been such a similitude, Murray and Morton could have been at no loss in producing to the assembly undoubted originals of her own writing, and have thereby given the members evident proofs of their authenticity. This was the most natural expedient they could have fallen upon; but (though it may be premature to mention it) it is certain the pretended letters never were shewn to any of Mary's real friends, or to any person who could judge of her hand-writing, excepting her profest enemies; and indeed the after-conduct of Elizabeth and her minister, Cecil, as I shall observe in a proper

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1568.

per place, can be only accounted for by a glaring defect of similitude. This parliament being dissolved, on the twenty-ninth of December, Dalgleish, Powrie, Hepburn, and Hay, four accomplices in the murder of Darnley, were executed on the third of January after. Their confessions acquitted Mary of any knowledge of the murder, as we shall have occasion afterwards to observe, though it is certain that no severity was wanting, during their long and unaccountable imprisonment, to induce them to accuse her. The roughness and steadiness of Murray's behaviour is assigned by the writer of Melvil's Memoirs as the reason why several noblemen and great barons, who had hitherto acted with him, now left him, and declared for the queen. The abbot of Arbroath, who was afterwards the first marquis of Hamilton, being afraid of the regent's resentment, retired to France without his leave, for which a process of law was issued out against him by the privy-council. The baron of Tullibardine, one of the most considerable landholders in the kingdom, and one of Mary's most bitter enemies, since her husband's death, had his reasons, at this time, for deserting the regent likewise; and several, whom he thought his best friends, began to waver in their attachments. The regent sought, by the activity of his administration, to confirm his power, and encrease his popularity, and af-

A. D. 1568. fected to treat all parties with indifference and impartiality; but he mistook his measures. The severity with which he prosecuted all who did not implicitly acknowledge his authority, created him enemies; and his being always attended by a body of armed men, raised in many very unfavourable ideas of his designs.

Her situation in Lochleven.

We are in the dark with regard to the particular manner in which Mary spent her time at Lochleven; but there is reason to believe that her confinement was not so rigorous as her enemies intended; and that her address and dissimulation procured her friends. She certainly gave a very favourable character of Douglas, the master of her prison-house; and intimated to the regent himself, that she would not be displeased if George Douglas, his uterine brother, and full brother to her keeper, should make his addresses to her for marriage. The regent treated this intimation with disdain, as he could be no stranger to its motives; and the young gentleman, on whom Mary's behaviour, towards him, had made an impression, entered zealously into her interests, and was the vehicle of a correspondence between her and her friends at Seton and Hamilton. The regent more than suspected this, and George was discharged from the castle; but he and two other gentlemen, Beaton and Sempil, who were devoted to Mary's service, waited on the opposite bank of the lake, at the

A. D. 1568.

the village of Kinross. They had found means to gain over Mary's laundress, who next time she went to the castle dressed the queen in her homely cloaths and muffler, and loaded her with a bundle of dirty linen. This disguise succeeded so well, that Mary, without suspicion, went into the boat that was to carry back the laundress. The boatmen, by the whiteness of Mary's hand, which she was incautious enough to expose, discovered who she was; but she charged them, upon their allegiance, to proceed. This they refused to do; but with a generosity above their rank, they promised not to discover her attempt, and rowed back to the castle. It is probable that George had engaged several of the domestics, and some of Mary's keepers in her interest. It is said that several of the regent's friends endeavoured to put him on his guard against his brother's practices in Mary's favour; but that he was now so secure that he disregarded their admonitions.

There is the strongest reason for believing, that this security of the regent, and the disregard he manifested for many of the lords of his own party, arose in a great measure from a secret correspondence he still carried on with Cecil, and the knowledge he had of that minister's influence in Elizabeth's councils. His own servant, Elphinston, carried his letters to Drury, the governor of Berwick, who forwarded

Murray's
abject cor-
respondence
with Cecil.

THE HISTORY

warded them to Cecil; and in one of them he discovers great uneasiness at a report which had prevailed, of his being displeased with Cecil for not addressing his letters to him as regent of Scotland. This circumstance is the more remarkable, because, as we have already seen, he returned a letter from the greatest nobility of his own country unopened, because it was without that formality. Many other proofs are not wanting, that Murray, whatever appearance of haughtiness or austerity he might have towards the Scotch nobility, courted Cecil's friendship in the most abject terms. The great expence he was at in maintaining a kind of a standing army, on pretence of restoring the public tranquillity, about his person, at this time drove him into some very mean and impolitic measures for paying his soldiers. We find an order of the privy-council for stripping the cathedrals of Aberdeen and Elgin, two sumptuous edifices, of the lead which covered them; for the Reformation had not been so fatal in the North, as it had been in other parts of the kingdom, to religious buildings. The earl of Huntley, a professed papist, and his friends, were charged with the execution of this order, which could not but encrease the regent's unpopularity in those parts.

Arrival of a
French em-
bassador.

In April, Beaumont, a person of distinguished rank, was sent by the French king to mediate between Mary and the regent. He was, ac-
cording

A. D. 1568.

according to some writers, charged by his master, at the same time, to remind the regent of his promise when he left France, that he would set his sister at liberty. In an audience he had of the regent, he demanded admittance to Mary, but was refused it. The regent pretended, that whatever promise he had made to the king, or any other person in France, the same was void, by the parliament of Scotland having put it out of his power to perform it; and that he could not grant him access to Mary, without the concurrence of the three estates, whom he could not re-assemble in so short a time since their last parting. Beaumont shewed some heat at this refusal; nor does it appear that he gained admittance to Mary while she was a prisoner *. The regent was then at Glasgow, holding justice courts, and treating with the lord Fleming for the surrender of the castle of Dumbarton. Fleming offered to give security that he should hold that fort only for the young king; but this offer not being accepted of, he prepared for a vigorous defence, and the queen's party rendezvoused at Dumbarton, every day expecting her escape. In Melvil's Memoirs, we have the copy of an association they had entered into for her deliverance by force, if every other expedient

* The writer of Melvil's Memoirs says, that he procured Beaumont a sight of the queen while a captive. This would have been the more probable if the author had told us by what means, and by what authority.

failed;

Arrival of
French em-
bassadors

A.D. 1568. failed; and, on the first of May, Mary found means to write the following letter, the original of which is in French (and I believe has never yet appeared in any history of Scotland) to Elizabeth.

Letter from
Mary to
Elizabeth.

“Madam, my good sister, the long duration of my melancholy imprisonment, and the ills I have received from those to whom I had done so much good, are to me not so mortifying as that I am not in a capacity to lay before you the true state of my misfortunes, and the injuries I have, from many hands, received. Therefore, meeting with the occasion of a faithful servant in this place, to send you this line, I have entrusted him with my thoughts, begging that you will believe him as myself. You may remember that you (have) oftentimes told me, that you meant the ring you sent me as a token for your assisting me in all my misfortunes. You know that (my) brother Murray is in possession of all I had, (and that they) who have any thing of mine are forced to deliver me nothing. Robert Melvil, at least, says, that he dares not return me that ring up, though I secretly recommended it to him, as being my most precious jewel. Therefore I beseech you, that on reading this letter, you will have compassion upon your good sister and cousin, and believe that you have not, in any part of the world, a more tender and affectionate relation. You will please, likewise, to

A. D. 156

to consider the importance of the example set against me, with regard not only to a king or a queen, but an inferior person. I beg you will take care that no person know what I write, because I should thereby be worse treated; and the faction here boasts, that they have intelligence from their friends of all that you do or say. Credit this porter as you would myself. God preserve you from misfortune, and give me patience and pardon, that I may one day lament my misfortune with you, and acquaint you with more than I dare to write, which will be not a little to your service. From my prison, this first day of May,

Your most obliged and affectionate

Sister and good Cousin,

Mary *."

We learn from this letter, that Mary, when she wrote it, did not think her deliverance was so near as it proved, for she escaped from her imprisonment the very next day. The means by which she was delivered have been variously represented; but it is agreed on all hands, that the capital instrument of her escape was young George Douglas, who is represented by our historians as no more than eighteen years of age. This youth had been so assiduous in his

Mary escaped from Lochleven

* This letter in its French original, as published by the editor of the Cecil papers, is very imperfect, and in some places scarcely intelligible. I have done my best to supply its deficiencies in the translation.

D. 1568. attachment to Mary, that he had made her keepers his friends. Some historians, Crawford in particular, have said, that he was prevailed upon by the large pecuniary promises made him by Mary, who presented him with the jewels and gold she had about her, as an earnest of far larger sums. The manner in which this escape was conducted renders it suspicious that this report is raised by the enemies of the Douglas family; but it is not at all improbable that the mother of the young gentleman might wink at Mary's escape. Be that as it will, we know of no difficulty she had in getting rid of her confinement. The keys of the castle were secreted while the heads of the family were at supper, on the second of May. Mary and one of her waiting women left her prison, and reached a boat prepared for them by young George, who threw the keys of the castle into the river. Every measure for her safety had been concerted with the utmost precision, and uncommon prudence. The lord Seton, Beaton, and one of the Hamiltons, with their attendants, who, though few, were resolute, and completely armed on horseback, were hovering on the opposite bank of the lake; and upon Douglas giving the signal of success, which had been previously agreed upon, they received Mary from the boat, and mounting her upon a spare horse, they galloped to Niddrie, one of lord Seton's houses, and from thence to Hamilton.

Mary, having thus regained her liberty, was received at Hamilton, which is no more than eight miles distant from Glasgow, where the regent still continued, by the earls of Argyle, Cassils, Rothes, and Eglinton, the lords Sommervil, Yester, Levingston, Borthwick, Herries, Maxwell, Sanquhair, Ross, and Fleming, and many other barons and freeholders, who, with their attendants, quickly formed an army of six thousand men. The regent was not daunted at this event, but behaved as a man of courage and spirit would do on such an occasion. The first consternation of his party being over, he summoned a meeting of his friends, in which it was debated, whether he should remain where he was, or retire to the town of Stirling. The regent gallantly and wisely rejected all appearance of a flight by his retiring to Stirling; and immediately issued proclamations for assembling an army at Glasgow, which was an open town. It is amazing, that during the great consternation his party was under, the queen's friends did not immediately avail themselves of their superiority, by attacking him in Glasgow; but many considerations, to which the regent could be no stranger, prevented this. They were far from being united among themselves, and all of them agreed, if possible, to come to an accommodation, in which they were flattered by the French ambassador, who attended Mary at Hamilton, and undertook

A. D. 1561

Arrives at
Hamilton,

A.D. 1568. the negociation, which afterwards proved ineffectual, and, in the mean while, was fatal for Mary, because it gave a respite to her capital enemy.

where she
assembles
her friends.

Her friends, notwithstanding the pressing emergency, thought it proper that she should publicly, and in the most solemn manner, declare, that the resignation of her crown, and the other acts of self-deprivation which she had signed, were extorted from her by force. Robert Melvil, and some others who had been present at her passing those deeds, confirmed the queen's declaration; and the assembly unanimously pronounced them to be in themselves void, and of no effect. A message was sent, at the same time, in Mary's name, requiring Murray to desist from the exercise of the regency, which he flatly refused to do. Some time was likewise spent by Mary in drawing instructions for Beaton, whom she sent to the courts of England and France to notify her escape, and solicit succours. All those delays, which were encouraged by the regent's pretending to give an ear to the French ambassador, proved pernicious to Mary; for the regent made use of them to bring artillery from Stirling to Glasgow, and to assemble a body of four hundred disciplined resolute men, while those under the queen were weakened even by their own numbers, being without arms, order, or experience. About five hundred more troops

troops joined the regent from Edinburgh; and there was some talk of the earl of Marr bringing the young prince, in person, to the field against his mother. A. D. 1568.

While both parties were thus preparing for war, a new bond of association, in the queen's favour, was entered into by nine earls, nine bishops, eighteen lords, and a vast number of great barons and landholders. This bond, which was dated at Hamilton the eighth of May, is solemn and loyal; but contains nothing in it very interesting to a reader. After various consultations, it was agreed, by her friends, that she should be conveyed to the strong castle of Dumbarton, where she was to remain; the only measure which was now wanting to complete her ruin. Some of the most confederate of Mary's friends opposed this resolution, because they foresaw, as afterwards happened, that she could not reach that fort without a battle. The writer of Melvil's Keith, p. 475. Memoirs says, that Mary, disliking to be entirely under the power of the Hamiltons, employed the French ambassador, and Melvil himself, to set on foot a new negotiation, by means of secretary Maitland and Kirkaldy, who were in the regent's army. There is some reason for doubting this fact, and some others advanced by the same author on this occasion. The queen's hopes of success were too sanguine; and perhaps they were encouraged by

Beaumont,

A. D. 1568. Beaumont, who was piqued at having been duped by Murray.

She is entirely defeated at the battle of Langside.

Upon the whole, the advice of Mary's wisest friends, which was, that she should march northwards, where she was sure of being joined by the earl of Huntley, and the clans, was rejected. This is said to have been owing to the zeal of the archbishop of St. Andrew's, who acted as general for Mary, and his distinguished partiality for the Hamilton family. He flattered himself with the hopes of bringing about a match between one of the sons of that house, and Mary, and of himself gaining greater importance than ever in the kingdom. As to Mary seeking to renew the negociation, if she did it, it was only with a view of amusing the regent till she could reach Dumbarton; but it was soon out of her power to have any choice. The regent being now between four and five thousand strong had resolved to attack the queen's army at Hamilton, when he heard that it was in motion. Kirkaldy, who was one of the best officers under him, immediately ordered a foot-foldier to be mounted behind every horseman in the army, that they might take possession of a rising ground near a place called Langside, which he had reconnoitred, and which he foresaw must be the place of action, and to take possession of other advantageous passes. This was the more easily effected, as the queen's army was retarded by the

the earl of Argyle, her lieutenant-general, A. D. 1568. dropping from his horse in an apoplectic fit. The best account of the leaders of both parties is to be found in Calderwood. "There were (says he) in the battle with the earl of Argyle, lieutenant, the earls of Cassils, Eglington, and Rothes; lords Seton, Somervell, Yester, Borthwick, Livingston, Sanquhar, Boyd; the sheriff of Air, the lairds of Bass, Waughton, Dalhousie, Lochinvar, Roslin; the avant-guard was led by Claud Hamilton of Paisley, second son to the duke of Chatleheraut, and Sir James Hamilton of Windail. With them the Hamiltons, their friends and followers, to the number of two thousand men; they bragged that they would by themselves defeat their adverse party. The lord Herries had the conduct of the horsemen, almost all borderers, dependents, and tenants of lord Maxwell, his brother. James Stewart of Castleton, and Arthur Hamilton of Mirriton, had the conduct of the shot, to the number of three hundred. The regent's avant-guard was conducted by the lord of Morton, Alexander lord Hume, Patrick lord Lindsay, Robert lord Sempil. In the rear-guard with the regent were, John earl of Marr, Alexander earl of Glencairn, William Grahame earl of Monteith, the master of Grahame, lords Ruthven, Ochiltree, Stewart, Cathcart; lairds Barganie, Balquhan, Celsford, Luss, Buchanan, Pitcur, Lochlevin, Lethington,

A. D. 1568. ton, Sir James Balfour; the barons and gentlemen of Lenox, and the citizens of Glasgow. The shot was placed in the yards of Langside. The horsemen, about two hundred, were conducted by William Douglas of Drumlanrig, Alexander Hume of Manderston, and John Carmichael of that ilk."

The regent, by getting possession of the hill, gained the battle, which began with a cannonade from six pieces of artillery brought by him, and seven by the queen. Her troops, in marching through a narrow lane to attack those of the regent posted on the hill, suffered considerably. I do not find that either side was furnished with fire-arms, except the harquebuziers, who did not exceed the number of two hundred in each army; so that the battle continued for about half an hour without almost any loss on either side, though the queen's cavalry at first drove back that of the regent, who remained at the head of a firm battalion, armed with long spears. The valour of the lords Hume and Lindsay, Kirkaldy, and the Highlanders under Macfarlane, having at last staggered the queen's forces, the regent attacked the latter so briskly, that they were driven from the field, with the loss, according to Calderwood, of three hundred men, who were killed in marching through the narrow lane, which Grange had lined with harquebuziers; but the regent lost no more than one man,

A. D. 1568.

man, who was a tenant of lord Morton. The regent and Grange, who was the chief instrument of gaining the victory, as soon as the rout of the queen's troops began, exerted themselves in putting a stop to the pursuit, and preventing farther bloodshed; a remarkable instance of humanity and moderation in a civil war. The number of prisoners on the queen's side exceeded that of the slain. The chief were the lords Seton and Ross, the master of Cassils, Sir James Hamilton, the sheriffs of Air and Linlithgow, and Hamilton of Bothwellhaugh *.

Mary, who had been but too confident of victory, beheld the battle from an adjacent eminence; but no sooner did she see her forces routed, than she lost all spirit, and galloped off the field with a few attendants, among whom was the lord Herries, the only nobleman on her side who had distinguished himself in the battle. At first she thought of shutting herself up in Dumbarton-castle; but reflecting that all the passes to it were in the hands of her enemies, she took the advice of lord Herries, and directed her flight towards Galloway, where she could have an easy communication with England. The remembrance of her late

and flies
to Gallo-
way,

* The author of Melvil's Memoirs says, that part of the queen's army was commanded by the lord (meaning the commandator) Arbroath, who undoubtedly was in France at this time, though his younger brother, lord Cland, was one of her officers.

A. D. 1568. captivity doubled her speed; so that she rode sixty miles from the field of battle before she slept. Having refreshed herself, after so fatiguing a journey, at the abbey of Dundrannan in Galloway, she held a consultation with her friends how to proceed. Some (if not all of them) were so invincibly prepossessed against Elizabeth, that they obtested Mary to follow any course rather than trust her person in the hands of the English; and told her, that she might very possibly find means to pass over to France. She would have followed this advice, but was diverted from it by reflecting, that she must appear as an exile and a vagabond in a country where she had lately reigned in all the pomp of majesty. I am of opinion with an ingenious writer, that Mary was credulous even to weakness; and this credulity seems to have been the fruitful source of all her misfortunes. Her credulity on this occasion terminated in obstinacy; for she firmly believed that all Elizabeth's professions were sincere, and her affection so unalterable, that she should find in her a friend, a sister, and a protector. She therefore persisted in the design she had formed of throwing herself into Elizabeth's arms, and ordered the lord Herries to acquaint the deputy-governor of Carlisle-castle with her resolution, which he did on the fifteenth of May; so that she may be said to have lived at liberty only thirteen days, from the time she was

The author
of the En-
quiry.

was imprisoned in Lochleven-castle, to the end of her life.

A. D. 1568.

Lord Herries, in his letter, demanded of the deputy-governor, whether his mistress, now that her affairs had taken so fatal a turn, by her late defeat at Langside, could safely trust herself in Carlisle. The deputy-governor's answer was, that his superior officer, the lord Scroop, was at London, and that he would send an express to receive Elizabeth's orders; but that, in the mean time, if Mary should be constrained to come to Carlisle, he would give her shelter and protection from her enemies till the queen of England's pleasure should be known. Before this answer reached Dundrannan, Mary's fears were so precipitate, that she had thrown herself into a fishing-smack, attended by the lord Herries, the French ambassador, and about fourteen other persons, and landed that night at Wirkington, on the south side of the river Derwent in Cumberland, and sixteen miles from the mouth of the river Dee and Nith in Scotland (from one of which she must have taken her passage) and about thirty English miles distant from Carlisle. At first she endeavoured to conceal her quality, but she was quickly suspected by the neighbouring gentlemen to be no ordinary personage; and when they knew her to be the queen of Scotland, they conducted her, with the greatest marks of respect, to Cockermouth,

and from
thence to
England.

A. D. 1568. a town belonging to the earl of Northumberland, who first gave Elizabeth intelligence of her arrival in England.

Behaviour
of Eliza-
beth,

If that princess was ever sincere in her professions of friendship towards Mary, her sentiments were now altered. Beaton had found ready admittance to her presence, when he discharged his commission; but he was so incautious as previously to inform Cecil that he was ordered by his mistress to proceed to the court of France, and to make the same request to that king as he was to make to Elizabeth, a supply of men and money. Cecil did not fail to acquaint Elizabeth with this particular; and though she gave Beaton all possible encouragement, she told him, with an air of frankness, that Mary could receive no assistance from her, if she applied for any from France; upon which, Beaton promised to do nothing at that court, but to notify his queen's escape from prison. In the mean while, Cecil informed Norris, the English resident at Paris, of what had happened, and instructed him to acquaint the French king, that if any assistance was sent to Mary from France, she was to expect none from England. Elizabeth next ordered Leighton, a gentleman of her court, to repair, but with no higher character than that of an agent, to Scotland (Mary's arrival in England not being yet known) with a set of instructions, which are still extant, in Cecil's

cil's own hand. They contain in substance, A. D. 1568.
 that Leighton should make an offer of Elizabeth's mediation between Mary and her subjects; and if the same should be rejected by them, that Elizabeth would send an army to reduce them to their duty, provided that no forces arrived from France. She ingenuously gives her reasons for this caution, which are, that if any such troops should arrive in Scotland, they would soon revive the former broils and animosities among the three kingdoms. Elizabeth promised likewise, that if both parties would accept of her mediation, and leave the settlement of their affairs to her, she would send so respectable an embassy to Scotland, as should replace Mary in all her power, and maintain them in all their privileges.

Though Leighton had no opportunity to execute this commission, yet, from its contents, we have no reason to doubt the sincerity of Elizabeth's professions in Mary's favour; and when Beaton took his leave, Elizabeth charged him with another ring to be presented to Mary*. A few hours soon gave her other

who becomes
 Mary's
 enemy.

* I have already mentioned a ring which Mary received from Elizabeth, and which Camden and other authors say, Beaton presented to Elizabeth at his audience; but that circumstance cannot be true, as it appears by Mary's letter she had not that ring in her possession when she escaped from Lochleven. Mr. Keith is inclined to believe, that no ring was sent from either queen on this occasion; but it is certain, from the conferences that happened afterwards at Hampton-court, that Elizabeth gave one to Beaton.

A. D. 1568. ideas. She no sooner received the account of Mary's arrival in England, and a letter from herself to the same purpose, which has been printed by Camden, than she assembled her privy-council to deliberate how she was to proceed. Leicester, who had before always appeared to have been Mary's friend, now, for the first time, took part with Cecil, by declaring himself her violent enemy. They urged, that as Mary had arrived in England without any safe-conduct, or assurance from Elizabeth, she thereby became her prisoner. This was the sense of the majority; and from Elizabeth's after proceeding, there is no room to doubt, that she, from that moment, (whatever her outward professions might be) secretly determined to make Mary her prisoner, and to treat her as such, without any regard to Mary's calamitous circumstances, or her own former protestations*. She now entered upon a most amazing scene of dissimulation, in which she was assisted by her ministers, and even by Throgmorton, who durst not oppose Leicester. She ordered one Middlemore to repair to Scot-

* Mr. Camden, who wrote Elizabeth's life at the request of the Cecil family, chiefly to clear lord Burleigh from the concern he had in Mary's persecutions and death, is, in this part of his history, very inaccurate. It appears very plainly from the late publication of the Cecil papers, that the most important of them, relating to that unfortunate lady, were concealed from his knowledge. The reverend Mr. Keith's history, from which I have reaped so much benefit, ends at Mary's flight into Eng-

land, and to talk roundly to Murray concerning his conduct and rebellion against Mary, and even charged him with a letter, commanding him to clear up his conduct by a writing under his own hand *. There is, however,

* Mary's first letter to Elizabeth gives us a stronger picture of her situation and sufferings than is to be met with elsewhere. The translation from the French is as follows:

“ Although my dear sister is not unapprised of the conduct of some of my subjects, whom, from nothing, I raised to the first dignities in my realm, yet that their ingratitude and rebellion may appear the more conspicuous, your majesty will please to recollect how first they attempted to seize me, and the king my late husband; but it pleased God not only to defeat their enterprise, but to permit us to drive them from our kingdom, into which, however, they were again received, at your request. But no sooner were they returned, than they committed a more enormous crime than the former, by killing one of my servants in my presence, when big with child, and by holding me captive. And though Providence was again propitious in delivering me out of their power, and I not only forgave, but received them into as great confidence as ever; yet they, forgetting my favour, and disregarding their promise, devised, favoured, signed, and assisted in a crime which they falsely impute to me, as I hope plainly to prove to you. Under this pretext they came against me in battle-array, accusing me of being badly counselled and of keeping bad company, from which they wanted to deliver me, that they might freely shew me what things required reformation. Being conscious of my own innocence, and willing to prevent bloodshed, I surrendered myself. But reformation (of which I was desirous) was not their purpose. They seized and sent me to prison. When I accused them of breach of promise, and requested to know the reason of this disloyal usage, they answered me not. I asked to be heard in council: it was refused me. In short, they confined me without the necessary attendants; two women, a cook, and a surgeon, being all my household. They threatened to kill me, if I did not sign a renunciation of my crown, which the fear of death only made me to do, as I have since evidenced before all my nobility, and as I hope to give you authentick proofs of. After that, they re-seized, (ils me resaisirent) accused, and proceeded against me in parliament,

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too good reason to believe, that Middlemore was charged with private instructions, very

parliament, without acquainting me with their reasons, without hearing me, forbidding any lawyer to defend my cause. They likewise obliged others to accede to their usurpation of my dignity; and robbing me of every thing I had in the world, they would never permit me, either by words or writing, to prove the falsity of their inventions. At last it pleased God to deliver me, when they were on the verge of murdering me, that they might enjoy my state with more security, although I offered to answer their accusations, and to concur with them in punishing the guilty. I say it pleased God to deliver me, to the great contentment of all my subjects, Murray, Morton, Hume, Glencairn, Sempil, and Marr, only excepted; and yet, after the whole of the nobility had resorted to me, I sent, in spite of their ingratitude and unjust cruelty, to offer them surety for their lives and estates, and to call a parliament for the reformation of the state. Twice did I make this overture, and twice did they imprison my messengers, and, by proclamation, declared all who should assist me traitors. I informed them, that if they would name any one of my party to mediate in peace, he should be sent; provided they would also commission those of their faction I should pitch upon, for that purpose. They took my officer, and my proclamations; and when I demanded a safe-conduct for my lord Boyd, they answered, if any had failed in duty to the regent and my son, whom they stile king, they had nothing for it, but to desert me, and submit. This greatly incensed all the nobility. Notwithstanding, when I considered that they were only private men, (particuliers) and that all my nobles were more than ever devoted to my service, I would not proceed to chastise them, hoping that time, and your favour, would by degrees reduce them to their duty. But being informed that they were resolved either to retake me, or all die in the attempt, I began to march towards Dumbarton, my nobility keeping between me and the enemy. This when they saw, they posted themselves in the way of my forces, in order to catch me. My troops, being irritated to be thus interrupted on their march, attacked them, but without order. Thus, though I had twice their number, God permitted me to be discomfited. Many were killed in the field, many cruelly in the retreat, and many were made prisoners. But breaking off the pursuit, in order to take me either dead or alive, I hastened first to Dumbarton; but soon

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incompatible with his ostensible orders. The lord Scroop was ordered to co-operate with Middlemore; but the reader, in the notes, will perceive how they executed their commission, in a letter written by Mary to Elizabeth in French, which I have translated, and esteem to be one of the most perfect models of epistolary writing, though I do not recollect to have ever seen it in any Scotch historian*.

Soon changing my course, God, of his infinite goodness, preserved me, to fly into your country, being well assured that I, my lord Herries, and the other nobles who attend me, will not only find a safe protection from their cruelty in your natural goodness, but assistance to recover my kingdom, and recommendation to other sovereigns. I beg you will send immediately for me, as I am in a condition not even suiting a single gentlewoman, having saved nothing from the enemy; to escape whom, I was obliged to ride sixty miles the first day across the country, never having dared since then to travel but by night. But as I hope soon to narrate to you, if you compassionate my misfortunes, the whole of their proceedings, I will not at present importune you with a longer narrative; but end with my prayers to God for good health and long life to you, and to me patience and consolation, which I expect from you, to whom I humbly recommend myself. Wirkington, May 17, 1568.

* “Madam, my good sister, the gentleman who delivers you this, being come with a commission from my good brother the king of France, that he may understand the truth of my state and treatment in your kingdom, I am sorry that I have so little reason to praise the behaviour of your ministers. As for yourself, I neither can, nor will complain of you; and the rather, because I understand by my lord Herries, as well as by the copy of a letter you wrote to my bastard-brother, that you have ordered that wicked subject to render you an account of his unjustifiable proceedings. But what has followed? Middlemore sent to protect my subjects, has not, indeed, met with a refusal of your request, for that you might command; but before his eyes, they have demolished the house of a principal baron, and without seeming to take offence at an outrage so disgraceful and dishonourable to your friendship, in which I and my friends re-

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Mary finds
herself a
prisoner.

Mary was conducted from Cockermouth to Carlisle, and waited upon by the lord Scroop,

pose our all, he has remained for eight days with them in their company. What kind of offices he uses, I cannot say; but all my subjects affirm, that they are worse treated since his arrival. My enemies go farther; they boast of having an additional authority by him; and while they are pursuing their plan of conquering my kingdom, they are abusing you with promises, that they will lay before you the proofs of their wicked calumnies. What terrors would not this unequal treatment, which we receive, strike into me, were I not emboldened by my innocence, and my trust in that God who has hitherto preserved me! Consider, madam, they possess my authority, they usurp my power, they have my estate as the means of corruption; the revenues of the kingdom are at their command; and your ministers, some of them at least, daily send them advices and counsels how to behave so as to win you over. I wish to God you knew what I know. As to me I am here, kept as a prisoner, and discountenanced by the refusal of your presence; while my enemies, with swords in their hands, have seized my all, under false inventories, the methods which they have used to detain them, while they prosecute their malicious slanders against me, who am destitute of counsel, and the means of making the proper preparations, under such circumstances, for vindicating my honour. All I can say is, may God judge between them and me!

“ My enemies have seen their cause countenanced by the only power from whom I expected relief; nay, my lord Scroop was commissioned to treat with them, which was the same thing as owning them to be the fountain of justice.

“ I cannot help pouring forth my complaints to you, to beg that you would send for me, that you may hear my sorrows, and give me quick relief, according to my necessities; or else that you would permit me to retire to France, or to any other country, where, as I wrote in my last letters, I should find more suitable entertainment. I again implore you, as you see what effects have followed, not to award so unequal a combat, betwixt them armed, and me defenceless. Impart to this gentleman your resolution, whether, in resentment of the dishonour they have done you, you intend to assist me, or to suffer me to go. For without waiting for a third attack, I shall be forced to have recourse to the kings of France and Spain, if you will take no concern in, nor have any regard for, my just complaints; and when I am restored to my dignity, I shall then be in a condition

to

and Sir Francis Knolles, Elizabeth's vice-chamberlain, with letters from that princess, filled with professions of friendship, and promises of re-

to convince you of their malice, and my innocence. To suffer them to conquer my kingdom, and then come and accuse me, what have I gained by putting myself under your protection? Is it a proof of their righteousness that they proceed without answering for what is laid to their charge? Judge, madam, according to that superior understanding with which God has blest you, and not according to the views of those who are swayed by partial affections. I blame no person; but tread upon a vile worm, and it will turn against you. With what anguish then must a royal heart bear those delays which your advisers have occasioned?

"I implore you, hear my complaints, which I have desired this gentleman to lay before you, and give them such an answer as that they shall need to proceed no farther. Thus, according to my hopes in you, you shall demonstrate that you have no occasion to be admonished to do justice to your blood, your equals, your neighbours, and your friends; and that you are even careful to hear and relieve the afflicted and oppressed, rather than the powerful and the unjust. Prove yourself, in effect, to be my elder sister, and you shall see that, with all gratitude and obedient friendship, I shall prove myself worthy of being the younger. The king, my good brother, will assist you in all your undertakings, if you require it; so will the king of Spain; and both of them shall owe you thanks. But, this apart, let the obligation be to me alone, let the satisfaction be theirs; and, according to your answer, this gentleman will either assure his master of your good offices, or will put him upon employing his own, which will give me no small uneasiness, on account of the friendship I promised myself at your hands, and which you had once resolved to perform.

"I likewise beg that you will suffer the lord Fleming to proceed on his journey, in some particular business relating to my jointure. There are certain other small requests in favour of some of my most trusty servants, which I have desired this gentleman to lay before you. Not to trouble you with a longer letter, I make a tender to your majesty of my most affectionate respects, praying God, madam, with health, to give you a long and happy reign. From Carlisle, this twenty-first of June,

Your good sister,

Mary R."

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dress; but they were at the same time secretly enjoined to keep a strict watch over all Mary's motions, that she might not regain her liberty. This was the effect of Cecil's counsels. He had convinced Elizabeth, that if Mary was suffered to go over to France, she would return to Scotland with a French army, which, when joined by her friends there, might endanger Elizabeth's crown. To have restored Mary to the throne of Scotland, was, he said, equally dangerous to Elizabeth; as the first use she would make of her power would be to extinguish the English, and, perhaps, the protestant interest in that country, by the severe revenge she would take upon her enemies. He concluded, therefore, that the most fortunate event of Elizabeth's reign was, that she had now her most formidable enemy her captive. Elizabeth, though a great princess, had about her many feminine weaknesses; among which was a high conceit of her own personal beauties, and appearing sensibly mortified with the thoughts of being rivalled. All Europe resounded with the fame of Mary's charms, which were now at their full height, while her conversation and writing proved that the accomplishments of her mind exceeded, if possible, those of her person. The having it in her power to lock up from the public view the only rival she dreaded, either in empire or beauty, flattered her vanity. It was an event
which

which she durst not have hoped for, and erased A. D. 1568.
from her mind all sentiments (supposing them
to have been sincere) of friendship for her
sister queen.

The first request made by Mary to Elizabeth
was, that she might be admitted to her pre-
sence, that she might clear herself from every
imputation upon her conduct, either as a queen
or a woman. She then sent lord Herries with
letters, repeating this request in the most
earnest manner; and Elizabeth received him
with great apparent cordiality; but intimated,
that before she gave his mistress a meeting, she
must clear up her conduct. She charged him,
at the same time, with a letter to Mary, and
gave him copies of Middlemore's instructions;
nay, she seemed impatient to have an oppor-
tunity to give Mary the most convincing proofs
of her friendship and affection. The report
made by lord Herries of his favourable recep-
tion, filled Mary with the most agreeable hopes
of seeing a speedy end to her sufferings; but a
few hours awakened her from her delusion,
when she found she was a prisoner. It was
upon this occasion she wrote the letter to Eli-
zabeth which I have already inserted in the
notes, because the transactions mentioned in
it were previous to the date of the letter,
which is their only voucher. Upon the return
of Herries, and his presenting her with Eliza-
beth's letter, she was amazed to find that prin-
cess

She writes
to Eliza-
beth

A. D. 1568. cess insist upon her clearing herself from all the charges against her, in a legal, formal, manner, and before English commissioners. Mary was soon removed to Bolton, a house belonging to the lord Scroop. In the mean while, Cecil received a letter from the English ambassador at Paris, dated the seventh of July, acquainting him with a design entered into by the kings of France and Spain, and the pope, against Elizabeth, upon Mary's account. This design was discovered to Norris by the provost-marshal of Paris, whom he entertained as a spy, and who informed him, that an Italian, who was very intimate with the earl of Arundel in London, was the agent for the party there; and that the French king was to fit out six galleys under De Lagard, as his proportion of the expedition. Elizabeth and her ministers believed, or affected to believe, this intelligence; and Mary's unguarded resentment at the treatment she received, served as a handle to justify farther severities.

in the most
pathetic
terms.

The countess of Lenox had been delivered out of the Tower, upon the news of her son's murder reaching Elizabeth; and was now become intimate with that princess, who encouraged her in her incessant and earnest applications against Mary for that inhuman act. Elizabeth still pretended to be under great difficulties how to behave, while Mary complained bitterly of her admitting the countess of

of

A. D. 1568.

of Lenox to her company, and excluding her from that privilege which she said was due to her birth, sufferings, and her innocence. Mary, at last, threatened to make a public appeal to the princes of Europe concerning her wrongs. Elizabeth's reply was, that the English lion was generous, but was not to be braved. Mary, in return, hoped, that if she had made use of any unbecoming expressions, that Elizabeth would consider them as being wrung from her by her injuries and miseries. "If (said she) I have offended you, I am in your power to make you satisfaction. But if you injure me, to whom can I complain of my good sister and cousin, but to the queen of England? If you, added she, are the first of the lion brood, you cannot refuse me to be the second." Mary then offers to order all her party in Scotland immediately to lay down their arms, and to submit her cause to a trial in Westminster Hall. She wrote many other letters to the like purpose, which I am obliged to omit. All their effect was only to multiply her hardships. She had sent the lord Fleming to assist lord Herries at the English court, and from thence to proceed to that of France; but even this poor consolation was denied to Mary; and Elizabeth stopt Fleming in his journey, on pretence, that she had already acquainted the French king of her affairs by his ambassador, Beaumont. Cecil went so far as to say
at

Letter from
Mary to
Elizabeth,
Aug. 7.

A. D. 1568. at the council-board, that Elizabeth ought to avail herself of the juncture, by reviving her claim of superiority over the kingdom of Scotland. That artful minister was no stranger to Elizabeth's secret thoughts; and was incessantly suggesting to her and her council the dangers that must accrue to England, if Mary was suffered to regain her liberty. He held it as an undoubted truth, that she was born the hereditary enemy of Elizabeth, whom she hated in her heart, and whom she considered as the author of all her misfortunes; and that the first use she would make of her freedom, would be to throw herself into the arms of France, which, in conjunction with her party both in England and Scotland, would be greatly an overmatch for Elizabeth. These reasons are enforced in Cecil's papers that have come to our hands, with great perspicuity, and strength of reasoning; but the particulars do not properly fall within the compass of history.

Her distressed
situation in
England and
Scotland.

Mary's situation became every day more deplorable. The earl of Northumberland and the popish subjects of England were removed from her person; and a design was formed to remove her either to Nottingham, or Fotheringay. The English council of the North was reprimanded for the civilities shewn her by the members. The lord Claud Hamilton, and other young Scotch noblemen, who had come to pay her
their

their respects, were told that their absence A. D. 1568. would be more agreeable; and it was even hinted to herself, that she ought to break off all correspondence with Scotland. In that kingdom Mary's affairs wore the same melancholy aspect. Immediately after the battle of Langside, the castles of Hamilton and Draffan surrendered to the regent; and the lord Ruthven was sent to command against the earl of Huntley, who had advanced to the banks of the Tay, to join Mary with a thousand foot, and a thousand horse; but hearing of her overthrow, he thought it prudent to return to the north. In the mean while, the earls of Argyle and Cassils had drawn together the scattered remains of Mary's army to a considerable number; but hearing that the regent was advancing against them, at the head of four thousand men, they dismissed their forces, and many of them gave hostages to him for their good behaviour. Upon Middlemore's arrival in Scotland, he found the regent triumphing over all opposition.

Mary's conduct under such a load of afflictions, though passionate, and sometimes inconsistent, was natural. She often upbraided Elizabeth as having prevailed upon her to readmit her rebels into Scotland. She sometimes complained of her duplicity, in detaining her, a sovereign, free-born, princess. At other times, she threatened to apply for justice to other princes, nay, to the Turk himself, if she was de-

A commission appointed for trying her,

A.D. 1568.

nied it in England; and she complained most vehemently, that Elizabeth had agreed to admit her rebel and bastard brother to her presence, while she excluded her, though her equal and her sister, from that privilege. As to the regent, though he had the strongest assurances that his person and cause were favoured by Elizabeth, yet he fought to guard himself against accidents. Elizabeth had required him to forbear all hostilities against the queen's party, and he seemed to obey, though he pleaded that he had done nothing but by the authority of parliament. I am, however, to observe, that Mary was denied to be heard before that parliament in her own defence. After a long debate in the English council, Elizabeth saw that she could with no colour of equity reject all Mary's applications; and under pretext of Mary having already agreed to have her cause heard before English judges, she named the duke of Norfolk, the earl of Suffex, and Sir Ralph Sadler, her commissioners to try the cause between Mary and her subjects. It does not appear, that Mary had ever precisely agreed to that method of proceeding; but Elizabeth took advantage of her general declarations, that she was willing to refer her cause to her cognizance. It was easy to see that Elizabeth, by the method she proposed, would gain all the ends she secretly aimed at, and still preserve some appearance of justice. It was no difficult matter
to

to perplex and prolong the trial, and thereby to
continue Mary's confinement, while Murray was
to reign in Scotland as Elizabeth's substitute. A. D. 1568.

Murray, in the mean while, had notice given
him to be ready to appear before Elizabeth's
commissioners, on the fourth of October follow-
ing; but this resolution of Elizabeth was disa-
greeable to both parties. The lord Herries,
who was Mary's ambassador with Eliza-
beth, endeavoured to explain the meaning of
his mistress, in offering to submit her cause
to Elizabeth. He said, she never meant to
admit her own subjects to be parties against her;
but that she might have access to Elizabeth, to
whom she would not only vindicate her con-
duct, but make such discoveries as were known
only to herself. He objected, for the same rea-
son, against his mistress debasing herself to ad-
mit English noblemen, be their rank ever so
high, as judges between her and her subjects.
This opposition made by Herries, served as
fresh matter to justify Mary's continuance in
prison, especially after Elizabeth had received
letters from Mary herself to the same purpose.
Elizabeth referred Herries to her council, who
charged him with having retracted what had
been before agreed upon by himself and his mis-
tress. Herries made the best apology for both
he could, and offered, if Elizabeth would suffer
Mary to return to Scotland, to procure the gua-
ranty of the kings of France and Spain, that no

It is oppos-
ed by lord
Herries.

A. D. 1568. foreign troops should be admitted into that kingdom; but not being able to produce any authority from those two potentates, Elizabeth persisted in her resolution of trying Mary's cause before commissioners.

Conduct of
the regent.

The regent, on the other hand, proceeded with every caution that attends conscious guilt. Though he was well assured of Elizabeth's favour and Cecil's friendship, yet he thought proper to make some previous stipulations. He demanded a full and particular answer of what he was to expect, in case he and his friends should make good their allegations against Mary, by proving the letters, sonnets, and contracts they had in their hands to be originals of her writing. Cecil answered this demand in a most evasive manner. He said, if his commissioners should appear before those of Elizabeth, they should be heard; but that, though the papers in question should be found to be originals, both parties should have a fair hearing. Upon further consideration, the lord Herries, with Mary's consent, agreed to accept of the commissioners; and upon his return to Bolton towards the end of July, he made the following declaration to Mary in the hearing of lord Scroop and Sir Francis Knolles, which is of too much importance to the subsequent part of this history to be omitted here.

“ Queen Elizabeth hath commanded me to assure your majesty, if you will commit your
cause

cause to her, not as your judge, but as your cousin and friend, she will send for those noblemen of Scotland who have deposed you, and oblige them to render an account of their conduct, before any English commissioners you and her shall approve of; for which if they can assign reasons (and the queen of England thinks they cannot vindicate their behaviour) queen Elizabeth will by arms (if they should oppose it) replace you on the throne, on condition that you renounce all claim to her crown during her life, and that of the issue of her body; that you abandon France, and enter into a strict confederacy with England; and, lastly, that rejecting the mass, you receive the common prayer-book of the English communion."

A. D. 1568.

It was observed of Mary, that after her arrival at Bolton castle, her person and behaviour was entirely altered. Whether from policy or dejection of spirit (but most probably from both) she lost that ease and affability which had enchanted all who approached her, after her first arrival in England. She now appeared thoughtful, reserved, and backward in speaking, either of her friends or enemies; and in matters of religion she discovered so wonderful a docility, that she admitted the ministry of a protestant chaplain, and even listened to his arguments for her conversion. Though at first she made some scruple with regard to the above declaration of the lord Herries from Elizabeth; yet she afterwards

Alteration
of Mary's
behaviour.

A. D. 1568.

afterwards acquiesced in it, and even sent Elizabeth thanks for her favour. Her calmness and resignation touched lord Scroop so much, that he wrote to the regent an account of the agreeable change which had been wrought in Mary, and in such terms as hinted that Elizabeth was beginning to have a very favourable opinion of her. The regent, in answer to this letter, treated Mary's reformation as a mere farce, and herself as a vile dissembler till she could gain her ends. Mary wrote a letter to the regent, about the same time, upbraiding him with his barbarity and ingratitude. The answer she received consisted in professions of moderation towards her cause, and regard to her person, and the strongest assurances of his being actuated only by public spirit, and the duty he owed his country.

Her friends
in Scotland
apply to Elizabeth.

Mary's party in Scotland, though ignorant of her having submitted to be heard before English commissioners, had assembled at Larges in a numerous respectable body. They joined in a letter addressed to Elizabeth, desiring that she would restore their injured sovereign to her dominions, in which case they promised to shew themselves for ever grateful to her (Elizabeth); putting her in mind, at the same time, that they were far more capable than the regent and his party of doing her service. This letter, which is dated the twenty-eighth of July, is signed by the archbishop of St. Andrew's,

drew's, Huntley, Argyle, Crawford, Errol, A. D. 1568.
 Rothes, Cassils, Eglington, Caithness; the lords
 Fleming, Ross, Sanquhar, Ogilvie, Boyd, Oli-
 phant, Drummond, Borthwick, Maxwell, So-
 merville, Forbes, and Yester.

Though Elizabeth took no notice of this pa-
 per, yet it had a strong operation; and, by her
 request, the regent summoned a parliament to
 meet at Edinburgh on the eighteenth of Au-
 gust, in order to know how that assembly
 stood affected towards their unhappy queen.
 Murray had a secret end to serve, by inducing
 the members to appear at York, as his com-
 missioners, and the accusers of Mary. At the
 same time, he resolutely maintained his rights
 as regent, and threatened to forfeit all who
 did not recognize his authority. The queen's
 lords were proof against all his menaces; and
 continued in the field in so powerful a body,
 that he did not think it prudent to attack
 them, though he had made preparations for
 that purpose. He informed Elizabeth of his
 difficulties; and she prevailed upon Mary to
 order her party in Scotland to quit the field,
 provided the regent abstained from all hosti-
 lities, which he accordingly did; so that both
 parties dismissed their forces.

This was a fatal and imprudent step in Mary, Imprudent
step of
Mary.
 who probably was precluded from all oppor-
 tunity of knowing the true state of her af-
 fairs; otherwise, whatever seeming compli-
 ances

A. D. 1568. ances she might make to Elizabeth, she undoubtedly would have instructed her lords to pay no obedience to her orders, because they had been extorted from her under confinement. Murray being thus at liberty, assembled his parliament on the day appointed, being the eighteenth of August. This was an astonishing blow to the queen's party, who imagined that they were to wait the result of the proceedings in England. The meeting was, therefore, far from being unanimous. Many, even of the regent's party, exclaimed against the cause between Mary and her subjects being carried before a foreign tribunal; and Mary's party complained, by letter, to queen Elizabeth, of the insidious manner in which they had been over-reached. This letter is dated the twenty-fourth of August, after the archbishop of St. Andrew's, the bishop of Ross, lord Claud Hamilton, and other of the queen's barons had been forfeited in parliament; and it was signed by the archbishop of St. Andrew's, Huntley, Argyle, Crawford, Cassils, Eglington, Claud Hamilton bishop of Ross, the lords Fleming, Sanquhar, Ross, Boyd, Somerville, and Ogilvy.

Strength of
Mary's
party in
Scotland.

From the above list of subscribers, it appears, that the queen's party had greater power and property in the kingdom than that of the regent. The latter, however, was possessed of the executive authority, and had a
body

A. D. 1568.

body of troops at his command, ready to execute his orders; so that none of his professed enemies durst trust themselves at Edinburgh. The kings of France and Spain, and other princes on the continent, were strongly prepossessed against him; and ordered their ministers at Elizabeth's court to represent the case of Mary as that of royalty itself oppressed by a daring rebel. We have so many convincing proofs, from records, of Elizabeth's and her ministry's profound dissimulation, that no historian can pronounce any thing decisive as to her sincerity or duplicity, farther than as interest is the criterion of either. She certainly, at this time, appeared to be highly incensed with the regent for his proceedings against the queen's party; and told him, in plain terms, that if he did not appear at York, either in person or by his commissioners, on the day appointed, she would hold Mary as acquitted from all the crimes that had been laid to her charge, and restore her to her crown by force of arms.

Murray, without trusting to Elizabeth's secret professions of friendship, if she made any, or appearing to be moved by her menaces, assembled his troops before the queen's party could re-unite theirs, and invaded the counties where Mary's chief interest lay. He made himself master of Annandale, Niddale, and the Lower Galloway, where he either garri-

Activity
and progress
of Murray.

A. D. 1568.

soned or demolished the houses of his enemies; but, contented to shew what he was in a condition to perform, had he been rigorously disposed, he appeared placable and moderate, if no farther provocation was given him. This was, in a great measure, owing to the counsels of Maitland. He was the only man on whom the regent could rely for advice; and he knew the advantage of having such a statesman in his party. Maitland, though very justly called theameleon of that state, wished well both to his queen and his country; and therefore had prevailed upon the regent not to kindle a civil war in Scotland, by forfeiting the two heads of Mary's party, the earls of Argyle and Huntley. This forbearance indicated a conscious weakness in the regent, and gave spirits to Mary's friends, especially after they found that he could not prevail with any of his party to act as his commissioners at York.

He names
his com-
missioners.

Such was the state of the regent's affairs when he received fresh letters from Elizabeth, in a strain that determined him (though with great reluctance) to a compliance with her will. On the eighteenth of September, a commission passed the great seal of Scotland, in the name of the young king, appointing the regent, the lord-chancellor Morton, Adam bishop of Orkney, Robert commendator of Dumfermling, with Patrick lord Lindsay of the Byres, or any three of them, his ambassadors,

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dors, to meet with the commissioners of queen Elizabeth at York, or any other place or places they shall think convenient, there amply to declare the reasons of their arming against, their detaining; and deposing the queen, that the justice of their cause might be manifested to the world: As also, in his name, either to confirm any former treaty, or to contract new ones for the maintenance of the true religion, and the resisting any foreign or domestic power that might attempt to disturb the tranquillity of either realm.

By this time, the three English commissioners were arrived at York. The first of them, the duke of Norfolk, was a nobleman who stood as high in public estimation as he did in the rank of nobility, being the first temporal subject of England; and this was the great inducement which Elizabeth had to place him at the head of this commission. He appears, however, to have been inexperienced and credulous, and without a proper share of firmness for his station. The earl of Suffex had distinguished himself only by his slavish compliances with power, having been a cruel persecutor of the protestants under Mary of England, with whom he was a reigning favourite. He had parts and courage, and had always been remarkable for the contempt he expressed for Leicester. This was far from disobliging Elizabeth, who, on such occasions,

T 2

affected

Sept. 20.
Characters
of Eliza-
beth's com-
missioners.

A. D. 1568.

affected the greatest impartiality ; and being president of the council of the North, he naturally became one of the commissioners. As to Sir Ralph Sadler, he was named, only because he was a man of business, and for the great knowledge and experience he had in the affairs of Scotland. Wood, who was the regent's agent at London, had shewn them translations of the letters and other papers charged upon Mary ; and Elizabeth had been lately alarmed by the prince of Condé, with a report, that Mary had transferred to the duke of Anjou her right to the crown of England ; and that his claim was to be supported by the popish princes of the continent, as soon as the pope should confirm her renunciation. Thus nothing was wanting that could prejudice the cause of the unhappy Mary. Her commissioners were the lord Herries, the bishop of Ross, the lords Levingston and Boyd, the commendator of Kilwinning, and the barons of Lochinvar, Skirling, Roslin, and Grantully. Those for the young king of Scotland (the process being carried on in his name) were the regent, earl of Murray, the earl of Morton, the bishop of Orkney, the abbot of Dumfermling, and the lord Lindsay. To them were joined, as assistants, Mr. James Macgill, Mr. Henry Balnaves, two senators of the college of justice, and Mr. George Buchanan, the celebrated historian, all of them devoted

Those for
Mary
named.

voted to Murray's service. Secretary Mait-
land, the baron of Lochlevin, the bishop of
Murray, and several other gentlemen, toge-
ther with Murray's secretary, Wood, who is
said to have been the most factious tool of his
time, acted as volunteers on the same side.
The regent was furnished by Morton with the
famous silver-box, and its contents; and he
had given a receipt for the same to be forth-
coming to Morton and the other lords who
had taken arms against Mary, with the re-
markable protestation, that he had neither AUG-
MENTED nor diminished them, as if Mary's
hand-writing had been a manufacture in
which the parties dealt. As the proceedings
of the commissioners have been often printed,
we shall forbear filling our page with copies
of the papers that passed among the three sets
of commissioners, but state the proceedings as
they appear upon their journals.

The acting commissioners for Mary were the
lord Herries and the bishop of Ross; and hav-
ing received their instructions from her at Bol-
ton, they met with Elizabeth's, and the re-
gent's, commissioners at York on the fourth
of October. Elizabeth's commission imported,
that the duke of Norfolk, the earl of Suffex,
and Sir Ralph Sadler, were to treat and con-
clude with queen Mary, or her deputies, pro-
perly authorised, as also with James earl of
Murray, and all others who should come in
the

Their pro-
ceedings

A. D. 1568. the name of the prince, “whether stiled prince or king of Scotland, upon all hostilities that have been committed, or differences that at present subsist between the Scottish queen and any of her subjects, who own her son as their sovereign: as also for determining any disputes between the Scottish queen and her; for confirming former treaties, and contracting new ones, not only between the two queens, but between their realms and subjects.”

at York.

Nothing could be more insincere than the whole tenor of this commission; for Elizabeth was now predetermined upon Mary's condemnation, or upon protracting the proceedings in such a manner as that her confinement should be next to perpetual. She discovered, indeed, an appearance of great dislike towards the regent, whose authority, as she boasted to Mary, she had not yet recognized; but this was only that she might drive them to the necessity of vindicating her own conduct at Mary's expence, so as to obtain a handle to proceed against her with the greater severity. When Murray came into court, the English commissioners demanded a sight of his commission. At first, he refused to produce any, alledging, that he was himself a principal; but he promised to get every thing he agreed to, ratified under the great seal of Scotland. This did not satisfy the English commissioners; and at last he produced a commission for himself and his

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his fellows. In the commission produced by Mary's friends, it was said that queen Elizabeth had undertaken to restore the queen of Scots to her realm and authority. The English commissioners took exception at this clause, but at last accepted of the commission in such a sense, as that those words should not be binding upon queen Elizabeth. A form of an oath was then proposed to be taken by the Scots, to which the young king's, as well as his mother's, commissioners objected, as being too declaratory of Elizabeth's superiority. Next day, however, Mary's commissioners produced the copy of an oath, which they were willing to take under a protest, that their mistress, being a free sovereign, did not mean, by having her cause examined, in that, to submit herself to the judgment of any other power. The English commissioners accepted of this oath, but under a counter-protect, that they did not mean, by their acceptance, to prejudge any claim of superiority which the crown of England might have over that of Scotland. Those altercations being over, the dean of York administered the oaths, first to the English commissioners, and then to the Scotch.

On the seventh of October, the bishop of Ross and the lord Herries brought in, both by word and in writing, a heavy charge against Murray and his associates, for the injuries they had done to their queen and her friends, calling upon the
opposite

A. D. 1568. opposite party at the same time to produce their charge against Mary. A copy of this paper was sent to the regent, who, with his fellow-commissioners, appeared in the afternoon of the eighth, and demanded to know, if they should produce and prove their full charge against Mary, what assurance they had of being free and without danger from her displeasure; and what surety they had for the young prince their king, if he should be restored to their former estate. This demand was not new; for Elizabeth had foreseen it, and instructed her commissioners accordingly. Their answer was, that though their mistress earnestly desired to find Mary not guilty, especially of the crime of her husband's murder, yet should she prove otherwise, her majesty would think her unworthy of a kingdom, and would not stain her own conscience in maintenance of such a detestable wickedness, by restoring her to a kingdom. The regent then declared that his demand arose from a general report which prevailed, as if Elizabeth was determined, at all events, to acquit Mary, and restore her to her kingdom. He added, that his enemies pretended to produce this promise under Elizabeth's own hand. The English commissioners easily refuted all those reports; but next day, the regent, instead of bringing in his answer, as he promised, started two difficulties which had been suggested to him by Maitland. The first

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first was, that Elizabeth's commission did not expressly authorize her commissioners to treat of Darnley's murder. The second was, that they were apprehensive of very bad consequences, should Elizabeth delay to give sentence after the proofs were produced. To the first objection it was answered, that the words of their commission being general "to treat of all matters concerning their controversies," comprehended the murder. As to the second objection, they could give it no other answer, than that Elizabeth's conduct should be consistent with honour and equity. Those answers were far from removing the scruples of the Scotch commissioners, who insisted upon having security under Elizabeth's hand, that they should not be expos'd to Mary's resentment; otherwise, they refused to produce their proofs.

Every step taken at this time by Murray and his confederates, are strong evidences how conscious they were, that the letters, so much boasted of, were forgeries. Had they been produced, they came into the possession of the court; and they had, as will appear soon, reason to think that the English commissioners would detain them for their own and Elizabeth's vindication. This might have been fatal to their cause, as undoubtedly it would have brought on enquiries into the genuineness of the papers themselves, which Murray knew could not terminate to his advantage. They took a middle

VOL. VII. U way,

Reasons
why the silver
box papers
were
not produced.

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way, and blackened Mary as effectually as if the silver box had been produced, and its contents authenticated. Maitland, who now acted as an assistant to Murray, Macgill, Wood, and Buchanan, repaired to the English commissioners, not as authorized by their principals, but as private gentlemen, and produced the contents of the silver box for their perusal. It does not appear that any of the English commissioners were acquainted with Mary's hand; nor had they the least reason to believe the papers to be of her writing, but because her enemies confidently affirmed them to be so*; and upon this affirmation, which could not be admitted in the most venal court of justice, depends all the proof that has been brought of those letters being written by Mary. The re-

* Mr. Goodall's objections to the authenticity of the letters are so stubborn, that Dr. Robertson says, "All this author's (Goodall's) premises may be granted, and yet his conclusions will not follow, unless he likewise prove that the French letters, as we now have them, are a true copy of those which were produced by Murray and his party in the Scots parliament, and at York and Westminster: but this he has not attempted." This objection, if its principle is admitted, will go far towards invalidating any evidence that can be brought of a forgery. It has been so well and so accurately answered by the author of the Inquiry, (p. 61) that I must refer my reader to that ingenious performance. Was any argument wanting to assist what that gentleman has said, I might add one which is plain and positive; I mean, that the accounts transmitted by the English commissioners of the papers laid before them by the four Scotch assistants, correspond exactly with the French letters, as we now have them. The same may be said of other extracts taken from them by English ministers, and which are still extant.

gent,

gent, at last, brought his answer to Mary's charge; but it did not come up to any direct accusation of Mary for murdering her husband. A. D. 1568.

This forbearance of Murray proved a vast disappointment to Elizabeth, whose expectation had been wound up to the highest pitch, that the regent would have no difficulty in forming and proving the charge of adultery and murder upon Mary, from the copies of the silver box papers which had been sent her. Dr. Robertson is of opinion, that this moderation of the regent arose from some political views, and the remonstrances made to him in private by the duke of Norfolk, as to the infamous part he was acting against his sovereign and benefactor. This representation, as the doctor has managed it, is plausible; but it is unhappily destroyed by the single fact of the regent's creature's having divulged the whole strength of his evidence, though not in a judicial way, to the English commissioners, who actually sent Elizabeth an abstract of the whole, in terms that shewed they did not suspect any forgery. On the 12th of October, the following words were added to Mary's commission; and they are of importance, because they prove how willing she was to pardon her disobedient subjects: "And there not only to treat, conclude, and indent, upon all such heads and articles as shall be found to our said dearest sister's commissioners

Elizabeth
dissatisfied.

P. 480.

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and them, best for the furthering of the glory of God, the reduction of our said disobedient subjects to their dutiful obedience to us, for good amity, as well for by-gones as to come, betwixt them and all our obedient subjects, but also to treat, conclude, and determine, of all other matters and causes whatsoever in controversy between her and her subjects."

She calls
her com-
missioners
to London.

In this state of the process every-thing wore a favourable appearance for Mary; and Elizabeth's difficulties, how to proceed against her, were multiplied. Mary's commissioners thought proper to attend her at Bolton to receive further instructions; but on the 16th of October, Elizabeth's commissioners received from her a long, but artful letter, ordering Sir Ralph Sadler to repair to her court, and recommending to them to use means for prevailing upon the regent's party to send up to London Maitland and Macgill, and upon Mary's, to send thither the lord Herries and the abbot of Kilwinning. They were charged to insinuate to Mary's friends, that this proposal was in order to shorten time, and prevent inconveniences occasioned by the great distance between York and London: in short, that it was calculated for Mary's advantage. The reader cannot have the least doubt of the insidious tendency of this letter, when he peruses the following paragraph. "In the delay herein, you shall do well to have good regard, that none of the queen of Scots commissioners may

may gather any doubt of any evil success of her cause, but that they may imagine this conference of ours principally to be meant how her restitution may be devised with surety of the prince, her son, and the nobility that have adhered to him: and therein you shall do well to understand their intentions in as many reasonable degrees as may be devised; so as at the coming of you, Sir Ralph Sadler, we may have the more facility to treat thereof.”

In the mean while, to give the better colour to this dark proceeding, the duke of Norfolk, who at this time was far from being suspected of any attachment to Mary, was ordered to take a view of the frontiers and marches towards Scotland, while the earl of Suffex was to apply himself to the affairs of his presidency. On the nineteenth of October the commissioners met again. The duke of Norfolk and his colleagues found very little difficulty in bringing both parties to agree to the deputation required by Elizabeth; only Mary thought proper to add the bishop of Ross to the number of her deputies. Next day a question of great importance to the constitution of Scotland was started by the English commissioners; viz. To what person the regiment and custody of a minor king of Scotland belonged during the minority? The answer given by Mary's commissioners was, that it was provided, by the immutable laws and customs of the realm of Scotland,

A. D. 1568.

Dispute about the Scotch regency.

A.D. 1578. Scotland, "that whosoever is nearest lawfully descended of the king's and queen's blood of that realm, being of perfect age, shall be governor to the king or queen during their minorities: howbeit, they are not permitted to have the keeping of their persons, because they shall succeed to the said minors." They strengthened this opinion by the recent instance of the duke of Albany, who, though a Frenchman, was declared in parliament regent of Scotland during James the fifth's minority. They observed that, in chusing a regent, regard was only had to the nearest descending lawfully of the king's and queen's inheritors or sovereigns of the kingdom of Scotland, and that such could not be set aside by any election of the states. To prove this they shewed, that, upon the duke of Albany's death, the states of Scotland had set aside the regency provided by the will of James the Fifth, and chose the duke of Chatleheraut. As to any instances that appeared to the contrary in history, it was said they are few or none; and if any, that the person so chosen was an usurper.

The opinion of the king of Scotland's commissioners was directly the reverse of this. According to them, "the ancient law of Scotland was, that the king's children being of non-age, the nearest of the king's house, that was able to govern, should be king for his life-time; and, after his decease, the crown should

should return to the king's children." The great inconveniencies attending this law, induced Kenneth the second to fix the succession of the crown in the hereditary line. Livingston of Callendar was chosen governor to James the second, though many persons of the royal blood were then alive in Scotland; and the parliament chose the governors of Scotland during the minority of James the third. I shall not pursue all the arguments drawn from history, with which this doctrine is supported, because the reader will find them in the preceding part of this work. It is of more importance to observe, that Elizabeth, at this time, perhaps to quicken and intimidate Murray, shewed dispositions for transferring the regency to the duke of Chatleheraut, which was the reason why she charged her commissioners with this question. This could not be unknown to Murray's party; and we accordingly find, in the paper they gave in, a most despicable representation of that duke's person and his administration, and of his unfitness to be regent.

Though those opinions were laid before Elizabeth, yet they did not answer her main end, which was to prevail upon Mary's commissioners to suffer the trial of her innocence, with regard to the murder of her husband, to be brought before herself; and, if possible, to prevail upon them to own their powers to be sufficient

Assurances
of safety
given to
Murray.

A. D. 1568. sufficient for that purpose. With regard to Murray, it was resolved at Elizabeth's council-board, that he should receive assurances, if he would prove Mary to be guilty of her husband's murder, Elizabeth would never suffer her to be restored to her kingdom; but would proclaim to all the world her detestation of the guilt; "and (continues the English council-book) because this manner of proceeding cannot be secretly used, but the knowledge thereof will, by some means, come to the queen of Scots, it is thought most necessary, before all things, that she be circumspectly looked unto for doubt of escaping: joining therewith the advertisements out of France, of her friends report secretly, that it is determined how she should escape now about this time, and also how she hath presently written to the earls of Huntley and Argyle, and the rest of her friends, to draw towards the west borders of England, to receive her into her country; pretending outwardly, that by the queen's majesty's favour, she shall be speedily delivered: and therefore it is thought good that all preparation be hastened for her removing to Tutbury."

Oct. 30.

A marriage projected between Mary and the duke of Norfolk.

This extract, from so respectable a record, shews how deep the enemies of Mary had laid the foundations of her ruin. But it is now proper that I should unfold a scene, which, in a great measure, accounts for many of the incon-

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inconsistencies that appear in the proceedings at York. The duke of Norfolk had lately lost his wife ; and even at the time he was appointed chief commissioner from Elizabeth, had formed a resolution of marrying the queen of Scotland. Maitland had certainly a suspicion of his intention ; and we know that immediately upon his arrival at York, they had a very serious conference together upon the subject. Maitland acknowledged to the duke that he was determined to serve Mary ; and that he had accepted of being one of the assistants to her enemies with that view. The duke believed him ; and informed him, in confidence, that Elizabeth had determined to keep the cause between Mary and her enemies in suspense, and to do whatever was in her power to oblige Murray and his party to charge her publicly to the full extent of the crimes they had alledged against her, and to produce the originals of the papers that had been transmitted to Elizabeth. Maitland receiving this important piece of intelligence from so unquestionable an authority, carried it to the regent, who afterwards had a conference with the duke upon the subject ; and it is plain that he did not at all seem averse to Maitland's opinion, that they ought not to go to extremes with Mary, by bringing a charge against her, which, was it proved, must not only cover her with eternal infamy, but affect the

Murden's
State Pa-
pers, p.
179.

A. D. 1568. legitimacy of her son, and consequently his succession to the crown of England. The duke likewise touched upon the danger that might accrue to the regent himself, and his friends, from the indecision of Elizabeth, who certainly would make her own interest the standard of all her proceedings *. It is difficult, at this time, to say, whether both Maitland and the duke were not over-reached by the regent, and whether the latter did not keep up a secret correspondence with Cecil, and his own secretary Wood, and inform them of all that had passed. I am inclined to believe that to be the case, rather than that the duke, as is asserted by the writer of Melvil's Memoirs, was betrayed by one of the queen's lords.

Murden's
State Pa-
pers, p. 52.

Progress of
that in-
trigue.

It appears, from the examination of the bishop of Ross, before the council of England, that soon after Mary's arrival at Bolton, the duke of Norfolk had found means, by the agency of his sister the lady Scroop, to acquaint Mary of his intention to offer her his hand; that Mary, at the same time, had a cor-

* The author of Melvil's Memoirs has given us a very circumstantial account of those conferences, and pretends that he himself was in the secret. It is plain, however, that the whole of that account could not be written by one upon the spot, as many parts of it are unsupported by, and inconsistent with, the records; particularly in saying, that the duke of Norfolk, on the first day of the meeting, required the regent to "do homage, in the king's name, to the crown of England, thinking he had some ground to demand the same, seeing the said regent there to plead his cause before the council of England."

respondence

respondence with Maitland, to whom she had hinted the duke's proposal; and that Mary shewed a great reluctance at coming to extremities with the regent and his party. The duke was of the same opinion, at first, very possibly, because he thought that the silver-box papers were genuine. I am, however, inclined to believe, that in the future conferences he had with Maitland, the latter convinced him of the forgery; for we cannot, else, well account for the unremitting ardour which the duke afterwards expressed for completing the match. Upon the whole, Elizabeth had reason to think, that she should more effectually attain her ends by calling all parties before herself, as the proceedings at York had turned out so much in Mary's favour.

The duke of Norfolk had again and again acquainted Elizabeth that the regent would persist in refusing to produce his main charge against Mary, till he should have full assurances, under Elizabeth's own hand and seal, of pardon and indemnification, and himself being continued in the regency. Elizabeth, by calling the cause to herself, disappointed the expectations of Norfolk. She ordered a new commission to be made out, consisting of Sir Nicholas Bacon, the lord keeper of her great seal, the duke of Norfolk, the earls of Arundel, Suffex, and Leicester, the lord Clinton, lord-high-admiral, Sir William Cecil, principal

Elizabeth orders a new commission.

A. D. 1568. pal secretary of state, and Sir Ralph Sadler, chancellor of the duchy. Elizabeth, upon the arrival of Mary's commissioners, affected to treat them with particular distinctions. She singled out the bishop of Ross, whom she commended, in high terms, for his affection to his sovereign, and she publicly threatened to punish Mary's enemies, if they had nothing farther to alledge, to exculpate themselves from the charge of rebellion.

Declaration
of Mary's
commis-
sioners.

Whoever is well acquainted with the true history of Elizabeth and her ministers, will not be at all surprized to find that Murray was previously acquainted with this declaration, as it furnished him with a plausible pretext for exhibiting the whole of his charge against Mary. The first meeting of the new commissioners was at the great chamber at Westminster; and after their commission, under the great seal of England, had been exhibited and approved of by all parties, the bishop of Ross, in the name of his fellow-commissioners, offered to the board the following protestation, which is of too great consequence to this history, not to have a place here, "We the commissioners for the queen's highness of Scotland, adhering to our protestations formerly made at York, declare, in presence of the queen's majesty's commissioners of England, before we enter in conference, that although our sovereign is content to submit the difference

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difference subsisting between her and her disobedient subjects to queen Elizabeth, so that they may be terminated to our mistress's honour and weal, we nevertheless do solemnly protest, we neither mean that her cause shall be treated in form of judgment, or in judicial place (which queen Elizabeth has also promised by letter to our sovereign); nor do we admit of any judge or judges, because she is a free princess; yet are we willing to confer, treat, and conclude, about such things as our commission warrants us, without prejudice, however, to our sovereign's most royal person, crown, and honour; and we desire this to be inserted in the conference, and in every future agreement." Signed

Jo. Rossen,

Herries.

Boyd.

Kilwinning.

All preliminaries being adjusted, and the proper oaths administered, the regent was made easy by the English commissioners, with regard to the indemnification and security he had so long insisted upon. On the twenty-sixth of November, the regent accordingly entered a protestation, containing his reasons for delaying to charge Mary home with her husband's death, and his unwillingness to do it then, were it not that he could not, by any other means, vindicate himself from her charge, which had made impressions upon Elizabeth and her council, very much to his prejudice.

The regent
proceeds in
his charge.

The

A.D. 1568. The writer of Melvil's Memoirs represents the regent as having entered into strong engagements with the duke of Norfolk, who it seems presided at the board, not to exhibit the charge of murder against the queen. Upon his entering the court, the duke, as was his duty, demanded the accusation; but the regent again insisted upon an indemnification under Elizabeth's hand and seal. The sense of the court was, that her word was sufficient; upon which Cecil asked, whether the additional accusation was ready? Answer being made by Wood that it was, and snatching it out of the regent's bosom, "I will not deliver it (said he) till her majesty's hand-writing and seal be delivered to my lord-regent for what he demands." Upon this, the bishop of Orkney snatched the paper from Wood, and delivered it to the board. The regent being sensible of his error desired to have it again, that he might add somewhat to it; but this was refused, though the board offered to accept of any additional matter in a separate paper. Though I have given the substance of this story as I find it in the Memoirs, yet I think it highly improbable that any such farce was acted; or if it was, it was all preconcerted between Cecil and the regent. The additional accusation against Mary is called an eik, because it is supplemental to the former charge in the regent's answer. The whole of this very remarkable paper runs as follows:

“The accusation against queen Mary, intituled, A. D. 1568.
An eik to the answer presented by us, James earl of Murray, and regent of the realm of Scotland, and remnant commissioners appointed for the king's majesty of Scotland, our sovereign lord, in his highness's behalf: and for ourselves and remnant states and people, his majesty's faithful and obedient subjects, to the letter presented to your grace, and the lords commissioners for the queen's majesty of England, at York, on the behalf of the queen, mother to our said sovereign lord, presented the twenty-sixth of November, 1568.

“Whereas in our former, upon good respects mentioned in our protestation, we kept back the chiefest causes and grounds whereupon our actions and whole proceedings were founded, wherewithal seeing our adversaries will not content themselves, but by their obstinate and earnest pressing we are compelled, for justifying of our cause, to manifest the naked truth: it is certain, and we boldly and constantly affirm, that as James, sometime earl of Bothwell, was the chief executor of the horrible and unworthy murder, perpetrate in the person of umquile (deceased) king Henry of good memory, father to our sovereign lord, and the queen's lawful husband; so was she of the foreknowledge, council, device, persuader and commander of the said murder to be done, maintainer and fortifier of the executors thereof, by impeding
and

A. D. 1568. and stopping of the inquisition and punishment due for the same according to the laws of the realm, and consequently by marriage with the said James, sometime earl of Bothwell, delated and universally esteemed chief author of the above-named murder: where through they begun to use and exercise an uncouth and cruel tyranny in the whole state of the commonwealth, and with the first (as will appear by their proceedings) intended to cause the innocent prince, now our sovereign lord, shortly to follow his father, and so to transfer the crown from the right line to a bloody murderer and godless tyrant. In which respect the estates of the realm of Scotland, finding her unworthy to regiment, discerned her demission of the crown, with the coronation of our sovereign lord, and establishing of the regiment of that realm in the person of me the earl of Murray, during his highness's minority, to be lawfully, sufficiently, and righteously done, as in the acts and laws made thereupon more largely is contained. James, regent, Patrick, L. Lindsay, Morton, Ad. Orchad. Dumferline."

Proceedings
upon the
same.

This is the first direct charge given in by Murray and his associates against the queen, as being the persuader and commander of her husband's murder. It is remarkable, that in this paper the authors plainly say that they were pushed on by their adversaries to give it in. This allegation, if true, shews that Mary
and

and her party, though they were well acquainted with the contents of the silver-box papers, were so far conscious of her innocence, as to challenge their enemies to do their worst. We likewise perceive that Murray entirely drops the pretext of Mary's having made a voluntary demission of her authority, and roundly tells the English, that her demission, the coronation of her son, and his own regency, were established by the states. Murray being asked by the English commissioners, whether they might deliver to those of Mary his eik, answered in the affirmative, and said that he was ready immediately to enter upon the proof.

A new actor was next brought upon the stage; I mean, the earl of Lenox, who was reserved for the completion of Mary's condemnation. He appeared in court, and addressed himself in a most lamentable strain to the commissioners, to whom he delivered a paper, consisting of three sheets, containing the letters which had passed between him and Mary, and directly accusing her of her son's murder. In the afternoon, a copy of Murray's eik was delivered to Mary's commissioners, who expressed their amazement at its contents, alledging that they were such as their present commission did not authorize them to touch upon. The lord Herries spoke with great boldness in defence of his mistress, and endeavoured to shew that

Farther demands of Mary's commissioners,

A. D. 1568.

this extension of their malice towards her proceeded from the fears of being called to account, and punished for what they had done. When the cause (concluded he) shall be farther tried, it will be proved, that some of those who now accuse the queen, subscribed bonds for the murder of lord Darnley. The bishop of Ross produced Mary's instructions, not to answer her adversaries if they touched her honour; and demanded audience of Elizabeth, that they might inform her of their sovereign's command, and to require that she might be permitted to come in person, and vindicate her innocence before that queen, her council, and nobles. The bishop, at the same time, presented a memorial, in writing, to the same purpose; and leave was granted to him and his colleagues to appear before Elizabeth on the third of December, where they repeated their demand of Mary being admitted to be heard in person. Elizabeth still continued to wear her mask of dissimulation. She seemed excessively tender of Mary's honour, and promised to reprimand and punish her adversaries severely, if they did not make good their charge against her; hinting, at the same time, that no medium was to be observed between Mary's entire acquittal, or condemnation; but she again refused, upon the most unjust, and indeed affected, pretexts, to admit the unhappy princess to make her own defence in person.

This was an unparalleled scene of duplicity in Elizabeth, who acted it in the presence of her lord-keeper, the duke of Norfolk, the marquis of Northampton, her lord-treasurer, the earls of Pembroke, Essex, Bedford, and Leicester, the lord-admiral Clinton, the lord-chamberlain, Sir William Cecil, Sir Ralph Sadler, and Sir William Mildmay. Elizabeth had alledged, that she could not admit Mary to her presence, "because she was still in hopes that they grounded their proceedings on unjust devices; which if so, her honour would be saved without composition, or the necessity of an answer, when her accusers might be used according to their deserts." But while she was making this declaration, she had prejudged Mary's cause, and was actually possessed of the proofs on which she was resolved to condemn her. Elizabeth declared she thought it reasonable that she should be heard in her own cause; "but to determine (said she) before whom, when, and where, before I understand how her adversaries will verify their allegation, I am not as yet resolved; but after conferring with them, I shall give you an answer as to every point in reasonable form." Mary's commissioners very justly objected to this manner of proceeding, as incompatible with the rules of equity in any common cause. A charge, said they, is lodged, the supposed delinquent desires to be heard in her own defence; but she

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Diffimula-
tion of
Elizabeth.

A.D. 1568. is precluded from that privilege, until her accusers have adduced their proofs, and consequently till her cause is prejudged. All they said was in vain, though they urged that Mary's rebellious subjects had been admitted to Elizabeth's presence, while she herself was denied that privilege. At last they protested, that whatsoever was done before English commissioners thereafter, should be of no prejudice to their sovereign. But Elizabeth carried her dissimulation still farther, till, at last, it became inconsistent with her former professions; for she said that she could not give Mary a personal audience "unless she found that her accusers had more likely proofs than any yet adduced." This was a very extraordinary declaration. Elizabeth, ever since the first day of Mary's arrival in England, had refused to see her, because she was suspected of certain crimes; and yet in the answer before us, she as good as promises that she would admit Mary to her presence, if those crimes were proved against her.

Goodall,
vol. ii. p.
225.

Mary's trial
brought to
a crisis.

All this while I do not find that the silver-box and its contents were judicially produced before the English commissioners. This was a farther reserve for the display of Elizabeth and her ministers exquisite politics. Elizabeth's resentment against Murray and his associates, for daring to impeach their mistress, without bringing any proofs, was kept up to the height.

On

A.D. 1562.

On the fixth of December, the board of commissioners met at Westminster, where they repeated their protestation, not to proceed unless their mistress was heard. After this, the regent and his associates were called for, and reprehended by the lord-keeper in the following terms : “ My lords, the queen’s majesty, upon the consideration had of that you call your eik, being an addition to your former answer, hath commanded us to say unto you, that her highness thinketh very much and very strange, that you “ being native subjects to the queen of Scots, should accuse her of so horrible a crime, odious both to God and man ; a crime against law and nature, whereby, if you should prove it true, she should be infamous to all princes in the world. And therefore hath willed us to say unto you, that although you, in this doing, have forgot your duties of allegiance towards your sovereign, yet her majesty meaneth not to forget the love of a good sister, and of a good neighbour and friend. What you are to answer to this we are here ready to hear.”

This speech brought matters to a crisis. Murray had now no farther excuse for not producing his proofs ; and on the eighth of December he exhibited, before the English commissioners, the contents of the silver-box ; but not without repeating that he had been driven by the violence of Mary’s friends to that disagreeable

A.D. 1568. agreeable extremity. Mention is made of several writings in French, in the like Roman hand with her letters, and avowed by Murray and his commissioners to be written by Mary, which writings were read, copied, and re-delivered to Murray. They next exhibited the examinations and confessions of those who had been executed for Darnley's murder, and a protest that had been entered by the earls of Huntley and Argyle, and the lord Herries, in the parliament held at Edinburgh on the twenty-ninth of December, 1567.

After this, the earl of Morton signed a narrative of the manner by which he came into possession of the silver-box and its papers. We are told that these letters and papers were compared with letters undoubtedly written by Mary, and found to be the same hand.

Thus far appearances would bear hard upon the memory of Mary, had the smallest proof of the identity, or even the similarity, of the hands, been brought to convict her. Elizabeth and her commissioners had all along treated her cause as the most important that had ever been heard in England. The eyes of all Europe were turned towards the decision; and the interest, as well as the honour, of Elizabeth was concerned in a full exposition of the evidences. I will venture to say, that if the genuineness of the papers in question could have admitted of a proof, the greatest bigot in
Mary's

Mary's cause, either at home or abroad, must have detested her, and given up her defence. The proceeding of the English commissioners was the more unaccountable, as Mary again and again had armed her commissioners with powers to declare that those papers were forged, and that she could prove them to be so; as also, that some of her own subjects, who were assistants to her adversaries, knew how to counterfeit her hand. This was an indirect charge upon Maitland; but she forbore to name him, because he was her friend. A reverend author says, "that Mary's commissioners protested against all future proceedings, in case Elizabeth denied their mistress a personal interview; and that the bishop of Ross and lord Herries, before they were introduced to Elizabeth, in order to make this protestation privately, acquainted Leicester and Cecil, that as their mistress had, from the beginning, discovered an inclination towards bringing the differences between herself and her subjects to an amicable accommodation, so she was still desirous, notwithstanding the regent's audacious accusation, that they should be terminated in that manner."

A. D. 1568.

Dr. Robertson.

It might be too bold, at this distance of time, to assign any particular reason which Mary might have for desiring to be personally heard in her own vindication. She might, perhaps, have the secret vanity to think, that she would be

Examination of Mary's protests,

A. D. 1568.

be the best advocate for herself; and I am of the same opinion. She might have private reasons for believing, that being better acquainted with her own hand-writing than any other person, she could best discover the forgery of the silver-box papers. Whatever may be in those conjectures, her demand was certainly a piece of justice due to the most atrocious criminal, and furnished Elizabeth with the ready means of pronouncing her, according to the defence she made, either guilty or innocent. But, with due deference to the reverend author above quoted, neither Mary nor her commissioners were silent on the occasion. They protested, indeed, against the future proceedings of the commissioners, if Mary was not heard in person; but that protest was only on account of the informality of the proceeding; for after it was made, Mary again and again offered to enter into the merits of her cause, the single object of which was to prove the forgery of the silver-box papers. This privilege was not only refused her, but she was denied even copies of the papers exhibited against her. A letter is still extant, dated the twenty-first of December, from Elizabeth to Mary, in which the former has the following words. "Both in friendship, nature, and justice, we are moved to cover these matters, and stay our judgment, and not to gather any sense hereof to your prejudice, before

A. D. 1562.

fore we may hear of your direct answer thereunto, according as your commissioners understand our meaning to be, which, at their request, is delivered to them in wryting. And as we trust they will advise yow for your honor, to agree to make answer, as we have mentioned them, so surely we cannot but, as one prince and near cousin regarding another, most earnestly as we may, in termes of friendship, require and charge you not to forbear from answering. And for our part, as we are hartely sorry and dismayed to find such matter of your charge, so shall we be as hartely glad and well content to hear of sufficient matter for your discharge."

As the reverend author abovementioned, and a late historian, the two enemies of Mary's memory, borne down by vulgar prepossessions, have presumed her to be guilty, because her commissioners protested, if a personal interview was denied her, against all the future proceedings of the commissioners, it is of the utmost importance to this question to examine how that fact really stands.

Mr. Hume,

Had Mary protested against all proceedings upon the accusation against her, the presumption must have been in her disfavour; but that was far from being the case; she excepted against the commissioners, and, I think, with great justice and dignity of character; but she made a clear distinction between the form and

and charge
against her.

A. D. 1568. the matter. She protested, it is true, against the proceedings of the commissioners ; but she was so far from being backward in answering to the matter, that we find, even before she could receive Elizabeth's letter, viz. on the nineteenth of December, she enters as vigorously as Elizabeth desired, or as her best friends could wish, upon the substance of her defence. " And to the effect (says she) our good sister may understand we are not willing to let their false invented allegations pass over with silence, adhering to your former protestations, you shall desire the inspection and duplicates of all they have produced against us ; and that we may see the alledged principal writings, if they have any, produced ; and with God's grace we shall make such answer thereto, that our innocence shall be known to our good sister, and to all other princes." This was far from declining a trial of her innocence ; it was only transferring it to a bar more uninfluenced, and of greater authority. Mary's commissioners accordingly attended Elizabeth, and laid before her the very pertinent and strong instructions they had received from their sovereign, which was, in effect, not to let the matter drop, but to transfer it before a more competent tribunal, at which she was ready to answer. Elizabeth's reply was, that she thought Mary's request to be very reasonable, " and declared herself to be very

See the Inquiry.

A. D. 1568.

very glad that her good sister would make answer in that manner for defence of her honour; and to the effect her majesty might be the better advised upon their desires, and give answer thereto, desired an extract of the said writing to be given to her highness, which the said commissioners did in the morning deliver."

We are now to attend the other insinuation alledged against Mary by Dr. Robertson, as if the private conversation between two of her commissioners on the one part, and Cecil and Leicester on the other, for an amicable compromise between her and her subjects, betrayed a consciousness of her guilt. Admitting that such an application was made, I cannot see how it can affect Mary's honour or character. Her friends, ever since she was a prisoner in England, had constantly advised her not to bring matters to an extremity, by forcing Murray to produce the silver-box letters, because they knew, whether forged or genuine, they must make a strong impression to her prejudice. Mary took their advice, and did not desire to bring her enemies under that dilemma. This, however, perhaps, may appear a bald apology for her offer of a compromise, did we not reflect that Maitland, who was the actual forger of the silver-box papers, was now Mary's firm, though secret, friend; that he was the great manager of the match between her and

A. D. 1568. the duke of Norfolk, and that it was in character for him to suggest to Mary the expedient of a compromise, which, in her situation, she was obliged implicitly to follow. But had that not been the case, it was natural for her to wish that so atrocious a charge should at least be reserved till she could have a proper opportunity of disproving it, which she could not have, while she was a prisoner, and under close confinement. Let us now observe how very consistent every subsequent proceeding was with this representation of facts.

Maitland's
scheme of
reconcilia-
tion.

Maitland, in consequence of his conciliatory scheme, gave in a plan to Cecil of an accommodation between Mary and her subjects, which entirely corresponds with that great statesman's views. "It should be de-

Anderf. vol.
4. part 2.
p. 140, 141,
142, 143,
144.

nounced (says he) in the next parliament that is to sit in Scotland, that whereas the queen, reflecting on the troubled state of her kingdom, and being wearied with the excessive fatigues which the government of a people occasions, and desirous, from motherly affection, to see in her life-time her only dear son and heir settled in the throne, had, in July 1567, signed a sort of demission of the crown in his favour, that he might be inaugurated in the kingdom. In which good resolution, although she still doth continue, and wisheth, with all the ardour of maternal fondness, that he may long and prosperously enjoy the sovereignty,

verignty, yet left the good-will, which was A. D. 1568.
only meant to his person, should be extended
farther than she either then did, or now doth
allow, she will construe her own meaning,
which was, that her son should be honoured
and obeyed by all her subjects as their natu-
ral king, and be in very deed their king; but
as this voluntary resignation of the reins of
government was only made for him, so was it
not intended to degrade her from the rank of
princes; for being born to a kingdom, and
crowned in her cradle, she always resolved to
maintain in foreign courts the dignity of a
queen, and be honoured as such by the world.
This, however, is in no sort to derogate from
the authority of her son, in whose name she
willeth that the administration of affairs shall
be conducted, those continuing to govern in
the minority, whom she and the parliament
had appointed. Provided always, that this
her demission, and her son's being crowned,
shall in no sort prejudice her right to the suc-
cession; but that, in case he should die, (which
God forbid) she shall then return to the pos-
session of the kingdom, in as ample a manner
as if she had never resigned it: for this resig-
nation, as it was not to redound to her disho-
nour, so was it only to be regarded as flowing
from the love of quiet, and of her son's ad-
vantage, and therefore was the kingdom to de-
scend to her lawful posterity.

“ This

A. D. 1568.

“This interpretation of her majesty’s meaning should not only be read and ratified in parliament, but the whole estates should acknowledge her singular affection to her son, which disposed her to see him crowned in her life-time, and should caution the world against thinking it a deprivation of estate for intents not dreamt of by parliament: she, at the same time, assuring mankind, that she had conceived no hatred to her subjects, but that she loved them as her children; and they certifying that they never entertained the least thought of casting off the yoke of their dutiful behaviour towards her, nor intended to break the band by which prince and subjects are knit together. But as it hath pleased her majesty, in her own time, to desire the subjects to pay that duty to her son, which God’s ordinance obliges them to after her death, so shall she well perceive, by their behaviour, that they still owe herself, love, honour, and reverence, which, being their duty, they will profess to the end of their lives.”

Examina-
tion of evi-
dences.

Such was the artful compromise proposed by Maitland; but for obvious reasons, on the part of Elizabeth, it was not regarded. One Nelson, who was a domestic, lodging in Darnley’s house on the night of the murder, was, at the request of the earl of Murray and his colleagues, examined as to that fact; but tho’ he appears to have been extremely willing to have

have accused her, yet nothing transpired from his evidence, but that the queen's servants had the key of the chamber where she herself used to lye, while she was attending her husband. The like may be said of the examination of one Crawford, another domestic belonging to Darnley, which amounts to no more than what I have taken notice of in the course of this history, that there was, previous to Darnley's murder, a violent quarrel between him and the queen. On the fourteenth of December, the commissioners met again at Hampton Court, where they attended Elizabeth's, who enjoined them to secrecy, and recapitulated all that had been done in Mary's trial. This, I may venture to say, was a most infamous proceeding; because secrecy was sealing the condemnation of the unhappy queen. "Her majesty would, (proceeds the record) indeed, be most desirous that the queen of Scots, either by her delegates, or in person, should vindicate her conduct before such persons as her majesty would send; but considering, at her first arrival in England, she did not think it consistent with her honour to admit her into her presence, till justified of those horrible crimes with which common fame aspersed her; so now those crimes being, by many vehement allegations and presumptions, made more apparent, she cannot now, without manifest blemish of her own reputation, indulge

A. D. 1568. *Hypocrisy of Elizabeth.* indulge her request, till she has, by some just answer, evidenced her innocency."

To corroborate this declaration, the English nobility declared, that upon inspecting the proofs, they thought the queen's answer very proper, and that her majesty could not admit Mary to her presence. Next day, Elizabeth, in a most hypocritical strain, expressed to Mary's commissioners the sorrow she was under for the many presumptions that had been produced against her. She therefore proposed three methods, any of which their mistress might chuse for her acquittal. To send some one trusty person, or more, with her answer; or give it in herself to such noblemen as she would dispatch to her; or, lastly, to appoint themselves, or any others, to vindicate her before the English commissioners: for she would not assent to her coming into her presence, after what had been discovered. The bishop of Ross demanded to have this answer in writing, but was refused it; and it was referred to his own memory, with a promise, that if he would put it in writing, the queen, or her secretary, would correct it. In the mean while, a consultation being held, at which the duke of Chatleheraut, the foreign ministers, and Mary's other friends assisted, it was agreed, that she ought to make no answer to Elizabeth's proposals, unless her request was granted, of being admitted to a fair hearing.

A. D. 1568.
Examina-
tion of the
charges
brought
against
Mary,

This is the epocha on which the historians who are enemies to Mary's memory, have fixed to prove her conscious guilt, as if she had declined her own justification. In this they copy Cecil, who foisted into the transactions of the commissioners the same allegation, by pretending that she had put an end to all future conferences by certain Scottish protestations (for such is the expression). Because I have hitherto seen, under the hands of two modern historians, no recantation of what they have advanced in prejudice to Mary, notwithstanding all that has been brought to disprove the charge against her by Goodall, and the ingenious author of the Inquiry, I can have no hopes that any thing supplemental to their labours, which falls from my pen, can produce that effect. As the defenders of Mary's memory, however, never have been refuted, and as self-condemnation is, perhaps, too hard a task to be complied with by men of literary abilities, I shall just observe that they have mistaken the meaning of Mary's declinature of judgment, by omitting one half of her case, and mistating the other. Mary was now not only a defendant, but a plaintiff. She had discovered lights from Argyle and Huntley, who had sent her up the declaration I have already mentioned, that enabled her to bring a direct charge against her enemies for committing the very murder of which they accused her. She

A.D. 1568.

demande to be personally heard in support of that charge; but what does Elizabeth say? No, you must first disprove the papers that have been brought against you. "That (replied Mary) I am ready to do as soon as they are produced, so that my friends and I can examine them." This indulgence, which could not have been refused to a common felon, was denied to a sovereign princess, the unhappy Mary. She begged even for duplicates of those papers, and they too were denied. I hope, in this short state, her case is so far from being exaggerated, that it falls short of the hardships she suffered; and the feelings of humanity are the best advocates for her memory.

Could Mary, with common justice to herself and her friends, after this, sit in the corner of a packed board of Elizabeth's commissioners, what she had to say in her own vindication, and in accusation of her enemies, which, by the new turn her affair had taken, were intimately connected? Is any person so uninformed in the history of Elizabeth, as to be ignorant, that the greatest subject she had was only the most illustrious slave of her will; and that whatever she dictated, or Cecil wrote, was a law to him? We can have no stronger proof of this, than the proceeding against Mary, in the face of common sense, by Elizabeth's commissioners being enjoined, and observing, secrecy in a matter that required the most

most extensive publication. Mary's enemies put into Elizabeth's hands a bundle of papers, which they said were of her writing, and which Mary totally denied. Elizabeth, instead of trying the fact, remits those papers to her counsellors; but enjoins them secrecy, and orders that none of Mary's commissioners or friends should be present, while they were collated with her undoubted hand-writing. The most avowed of Mary's enemies may be called upon to deny this to be the naked fact, or to bring a single argument founded on equity, justice, or the usages of the law, to vindicate such a procedure. "It is evident, (says Dr. Robertson) from the delays, the evasions, and subterfuges, to which both queens had recourse by turns, that Mary avoided, and Elizabeth did not desire to make any further progress in the inquiry." This is an imputation the more cruel upon Mary's memory, as it is introduced with an air of candour and impartiality. Perhaps it would distress the invention of the ablest casuist to discover what Mary could do more than she did, to make a further progress in the inquiry. Did she not declare, in the most express terms, that the papers, on which the charge against her were founded, were forgeries? Did it not then lye upon her enemies to prove that they were not? Had they not been forgeries, was not such a proof easy, considering the many

THE HISTORY

A. D. 1568. genuine letters which Elizabeth had from Mary? If it is replied that Elizabeth's commissioners were satisfied as to their authenticity; why did they not satisfy the public likewise? But who were those commissioners? Can there be a doubt that the most bold and honest among them trembled at the frown of Elizabeth? When we look into the state papers of her reign, especially those drawn up by Cecil, we find them to be so many dictates full of plausibility, and when that fails, of perplexity; but disposed in such a manner, that there is no mistaking her pleasure. Had she ordered the silver box (and I am not sure whether that was not the case) to be placed upon the table, and her commissioners not to look into it, but to believe, upon her royal word, that the papers it contained were all written by Mary, none of them would have hesitated in making the very same report they did; nor do I believe that a single paper there was collated with her own hand-writing; but that, on the contrary, her commissioners formed their report from what she and Cecil were pleased to tell them.

particularly
by Dr. Robertson.

I have in the preceding part of this history, I hope, answered or admitted of the principal facts brought against Mary by Dr. Robertson, excepting those which he borrows from the author of Melvil's Memoirs, a book which I have proved to be a spurious publication; nor
can

A.D. 1568.

can it be admitted as authentic, without offering violence to every principle of historical credibility. With regard to Sir Nicholas Throgmorton's report, concerning her attachment to Bothwell, while she was a prisoner in Lochleven, it is, if possible, of still less authority. He had not seen her; he had no opportunity to know her sentiments; he took all he said from those who debarred him from approaching her person, and whose interest it consequently was to abuse him by defaming her. The doctor surely knew that circumstance; and if he did, was it fair to make the following inference? "From this long enumeration of circumstances, we may, without violence, draw the following conclusion. Had Mary really been accessary to the murder of her husband; had Bothwell perpetrated the crime with her consent, or at her command; and had she intended to stifle the evidence against him, and to prevent the discovery of his guilt, she could scarce have taken any other steps than those she took, nor could her conduct have been more repugnant to all the maxims of prudence and decency." I shall make no farther remark upon this quotation, which I have produced as a pregnant specimen of the manner in which Mary's cause has been handled, than to observe, that candour ought to have suppressed it, unless it had been founded on facts, which confessedly it was not.

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not. The same may be said of the confession of Nicholas Hubert, who, in the writings of that age, is called French Paris, only that I think the mention of that paper is brought in with a still worse grace than that of Melvil's Memoirs, or Throgmorton's letter, because it wounds deeper, and the impression consequently is not so easy to be erased. It therefore becomes me to avail myself of the lights furnished me by my friend, the author of the Inquiry, which I have so often mentioned, and to hold up this boasted evidence to the public view.

I have already mentioned, that four of Bothwell's servants, Dalgleish, Hay, Hepburn, and Powrie, were tried and executed as accessaries to Darnley's murder. I am sorry to observe, that the late historians of that period have spoken with so little precision, to call it no worse, of the confessions left by those criminals. "Their confessions (says Dr. Robertson) brought to light many circumstances relative to the manner of committing that barbarous crime; but they were persons of a low rank, and seem not to have been admitted into the secrets of the conspiracy." Is this a fair state of the case? Is it writing with a warmth that distress innocence ought to inspire? Ought not the doctor to have informed his readers, that nineteen of the first peers of the kingdom, all of them the profest enemies of Mary,

A. D. 1568.

Mary, upon the first presumption of her guilt, eight bishops, and eight abbots, on the twelfth of September, 1568, in their instructions and articles to Mary's commissioners, mentioning the above convicts, and the crime for which they suffered, add, "that they declared at all times the queen, their sovereign, to be innocent thereof." In like manner, Lesley bishop of Ross, in defence of his mistress's honour, in a paragraph addressed to Murray and his friends, says, "We can tell you, that John Hay of Galloway, that Powrie, that Dalglish, and last of all, that Paris, all being put to death for this crime, took God to record, at the time of their death, that this murder was by your counsel, invention, and drift, committed; who also declared, that they never knew the queen to be participant or aware thereof."

See the Inquiry, p. 124.

Admitting, as I readily do, that Lesley was violent and over-zealous in the service of his mistress, yet the persons to whom he addresses himself in the above paragraph, were of very opposite characters; and as the charge was made in their life-time, they undoubtedly would have refuted it, had it been false. The doctor says, "that Hubert's depositions are remarkable for a simplicity and naïveté, which it is almost impossible to imitate." With what contempt would he have treated such an argument, had it been urged in favour of Mary? "But (continues he) at the same time, it must be

A. D. 1563.

be acknowledged, that his depositions contain some improbable circumstances. He seems to have been a foolish talkative fellow; the fear of death; the violence of torture; and the desire of pleasing those, in whose power he was, tempted him, perhaps, to feign some circumstances, and to exaggerate others. To say that some circumstances in an affidavit are improbable or false, is very different from saying that the whole is forged." This is a doctrine which I believe never before appeared in the laws of evidence. If a deposition or confession rests solely upon the credibility of its author, in what land can that court of justice exist, who will not reject the whole, if they find any part of it to be false? Does not a single prevarication every day quash the most plausible evidences? How ought it to operate in this case, when the party, as the doctor himself admits, was influenced by the fear of death, and the violence of torture? And I can almost venture to say, that no evidence obtained under the fear of torture ought to be admissible.

Cases of
Dalglish
and Hubert.

Had Mary's enemies been conscious that those papers were genuine, they were possessed of the means of coming at the most corroborating proofs of her guilt, without depending singly on their own affirmation, that they were of her writing. Dalglish, on whom the box was found, was seized on the twentieth of June,

June, 1567, six days after he was examined; A.D. 1568. and a copy of his examination, attested by Sir John Ballenden, is still extant. Was it not natural for Morton, who had then the box and its contents in his custody, to have obtained all the lights he could concerning it, especially as the parties were present, and on the spot, to have corroborated, or confronted the criminal? Not a word, however, relating to the box, or the papers, is to be seen in Dalglish's examination; nor was Dalglish executed for six months after. Is not the omission of so material an evidence, a strong proof that the papers were not then in being, but manufactured afterwards? When Murray mentioned them in the council and the parliament, in the manner we have already seen, why was not Dalglish then produced to confirm Morton's story, and to leave the fact without a doubt? What is still more extraordinary, Paris was alive at the time when the commission was sitting in England; but he was kept in a prison belonging to the regent, at St. Andrew's, under the daily, dreadful, apprehension of torture and death. What credit is to be given to the testimony of a hair-brained, low-bred, Frenchman under such circumstances, especially as his confession (for it is pretended he made two) that most affects Mary, is full of inconsistencies and improbabilities?

See Goodall, vol. i. and the Inquiry.

A. D. 1568.

Defence of
Murray
against the
charge
made by the
earls of Ar-
gyle and
Huntley.

During the process at the board of commissioners, Wood laid before those of England a declaration, signed by the regent, the earl of Morton, the bishop of Orkney, lord Lindsay, and the abbot of Dumfermling, affirming, upon their honours and consciences, that the silver-box papers, all but one written by the earl of Huntley, and signed by Mary, were of her writing. The receiving such a declaration from persons, who, in one sense, were prosecutors, and, in another, parties accused of the very crime with which they charged Mary, was certainly a very extraordinary proceeding; but notwithstanding the strong remonstrances presented against this, and all the other acts of Elizabeth and her commissioners, no regard was had to Mary's complaints; and her guilt was taken as confessed, upon the affirmation of her professed enemies. Upon the arrival of Huntley and Argyle's declaration at London, which I have so often mentioned, the earl of Murray gave in the following answer: "Because the custom of my adversaries is, and has been, rather to calumniate and backbite me in my absence than before my face; and that it may happen them, when I am departed forth of this realm (England), scandalously and untruly to report untruths of me, and namely towards some speeches holden in my hearing at Craigmiller, in the month of November, 1566; I have already declared to

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The pro-
ceedings of
the com-
missioners
1568.

A. D. 1568.

Defence of
Murray
against the
charge
made by the
earls of Ar-
gyle and
Montrose.

the queen's (Elizabeth) majesty, the effect of the whole purposes, spoken in my audience at the same time, sincerely and truly, as I will answer to Almighty God, unconcealing any part to my remembrance, as her highness I trust will report. And farther, in case any man will say and affirm, that ever I was present, when any purposes were holden at Craigmiller in my audience, tending to any unlawful or dishonourable end, or that ever I subscribed any bond there, or that any purpose was holden concerning the subscribing of any bond by me, to my knowledge, I avow they speak wickedly and untruly, which I will maintain against them, as becomes an honest man, to the end of my life. I own, indeed, that at Edinburgh, in October 1566, I signed a bond with the earls of Huntley, Argyle, and Bothwell; but that was in token of our reconciliation. To this too I was constrained; for, without it, I could not have been admitted to the queen's presence, nor have had any shew of her favour. And no other bond was ever offered to me in any wise, before the murder of the late king, father of my present sovereign. Indeed, after that catastrophe, I was often earnestly urged by the queen to subscribe some others; but neither her persuasions nor commands could ever induce me."

Had not Cecil attested this paper to be Murray's answer to Huntley and Argyle's declaration,

B b 2

The proceedings of the commissioners flopt.

A.D. 1568.

ration, and battered it upon the back of its copy, we might have justly suspected that it related to some other affair, as the two noble-men had not charged him with entering into any bonds at Craigmiller. But, in fact, Ar-gyle and Huntley's charge was full, direct, and circumstantial, against Murray and his associates, while his answer is general, weak, and evasive. By this time, however, the regent grew apprehensive of the consequences of what had passed; and Elizabeth was sensible of the notorious injustice that had been done to Mary, whose confidence in the justice of her cause, grew daily more strong. It was, therefore, time to put an end to the commis-sion, upon pretence that Mary's commission-ers had declined proceeding. "Therefore, (says Cecil, in a minute, which is still extant, under his hand) if the said bishop and his colleagues had not (as it is supposed) dissolved their commission by Scottish protestations, whereby they have not, as it is thought, now any authority to make answer thereto, they should be made privy to the said evidences and proofs, whereby her majesty might have of them some good answer, to the acquittal of the queen of Scots, her good sister, which her majesty would be glad might be accom-plished." The manner in which this passage is worded, is so remarkably cautious and inde-cisive, that it fully indicates the difficulties of the

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the author upon the subject. If Elizabeth and her commissioners were satisfied that the silver-box papers were of Mary's hand-writing, in what manner could the latter make any good answer, so as to be acquitted, and thereby satisfy Elizabeth? or can the most virulent of Mary's enemies shew a reason, even if her commissioners had refused to proceed, (which was not the case) why they might not have been indulged with a sight, and copy, of the papers charged against her? This objection was so strong, that Elizabeth resolved to put it even out of her own power to answer it; for a few days after the letters were produced, she consented that Murray and his associates should return to Scotland with the silver-box, and all its contents. This happened at a time when Mary was preparing to make a vigorous defence of her conduct, had she been admitted to a fair hearing. The declaration of the earls of Huntley and Argyle contain no more than the substance of their own information to the bishop of Ross; and which having been reduced by him to the form of a declaration, and transmitted to them by Mary, was by them returned. Mary intended to have produced this declaration in her defence, and was astonished when she heard that her accusers had obtained leave to return to Scotland. She wrote to Elizabeth on the twelfth of January, complaining, that her accusers were allowed to depart

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depart the realm, "not abiding to hear the defence of her innocence, nor the trial and proof of their detection, which was offered to prove them guilty of the same crime." Was this the language of guilt, declining to be tried? All the answer she got was, that the regent had promised to return when called for.

Quarrel between the lords Herries and Lindsay,

The behaviour of Mary's commissioners on this occasion was warm; but such as indicated them to be internally satisfied of her innocence. I must, however, acknowledge, that had Mary been admitted to a fair trial, I cannot see upon what evidence Murray could have been convicted of Darnley's murder. But I cannot help thinking, that some unfavourable circumstances would have appeared against him; tho' I do not imagine that Mary and her commissioners thought they could bring against him any direct proof of the fact. The lord Herries was very strong on this head; and spoke in such open terms against the regent and his associates, that he received the following challenge from the lord Lindsay, the original of which remains in the library of the Scotch college at Paris.

"Lord Herries, I am informed that you have spoken and affirmed, that my lord regent's grace, and his company here present, were guilty of the abominable murder of the king, our sovereign lord's father; if you have so spoken, you have said untruly, and therein
lied

lied in your throat, which I will maintain, God willing, against you, as becomes me of honour and duty. Hereupon I desire your answer. Subscribed with my hand at Kingston, the twenty-second of December, 1568."

The answer returned by lord Herries was as follows:

"Lord Lindsay, I have seen a writing of yours the twenty-second of December, and thereby understand you are informed that I have said and affirmed that the earl of Murray, whom you call your regent, and his company are guilty of the queen's husband's slaughter, father to our prince; and if I said it that I lied in my throat, which you will maintain against me, as became you of your honour and duty. In respect they have accused the queen's majesty, mine and your native sovereign, of that foul crime; for, by the duty that good subjects ought, or ever has been seen to have done to their native sovereign, I have said there is in that company, present with the earl of Murray, guilty of that abominable treason, in the foreknowledge thereto. That you was privy to it, lord Lindsay, I know not; and if you will say that I have specially spoken of you, you lied in your throat, and that I will defend as my honour and duty becomes me. But I would any of the principals that was there subscribe the like writing you have sent to me, and I shall point him forth, and fight with any
of

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of the traitors therein; for meetest it is that traitors should pay for their own treason. London, twenty-third of December, 1568.

Herries."

Turns out
to Mary's
advantage.

This was a very plain defiance, and the bishop of Ross, the lord Herries, and the commendator of Kilwinning, appeared before Mary's commissioners, to confront the regent, the earl of Morton, and lord Lindsay. The former acquainted the board, that upon their own proper knowledge they could charge none of the three lords as being guilty of Darnley's murder; but they urged at the same time, that other evidences, whom they were ready to produce on the part of their mistress, might affect them. As the charge of lord Herries was so far particular, that he restricted it to such of Murray's friends as were then with him in England, it was undoubtedly incumbent upon Maitland, Macgill, and others of that stamp, to have exculpated themselves in the manner the three lords had done. Their not doing it gave the public of England very favourable impressions of Mary's cause, especially as Maitland now every where published, that it was no unusual thing about her court to counterfeit her hand.

At this time, no mention was made of the silver-box letters; and so little stress was laid upon them, that Cecil, in a memorial which he drew up concerning the state of England, with

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with the greatest art and assiduity says, that
“The fame of her (Mary’s) murdering of her
husband will by time vanish away, or will be
so by defence handled as it shall be no great
block in her way to achieve her purposes.”

What defence Mary would have made, had she
been admitted to a hearing, may be gathered
from Lesly’s printed vindication of her con-
duct, and from the two later writers who
have undertaken her defence. I have already
observed, that it appears from no evidence, but
the reports of her declared enemies, that the
identity of her hand was ever proved; for if it
had, there could be no doubt as to her crimi-
nality. With regard to the forgery, Dr. Ro-
bertson is of opinion, “That when a paper is
forged with a particular intention, the eager-
ness of the forger always prompts him to avoid
all doubts and uncertainties, and to be as ex-
plicit as possible.” This (he says) was not
the case with regard to the silver-box letters;
and he confirms his observation from “the
passages foisted into ancient authors by heretics
in different ages; the legendary miracles of the
Romish saints; the supposititious deeds in their
own favour produced by monasteries; and the
false charters of homage.” “No maxim
(continues he) seems to be more certain than
this, that a forger is often apt to prove too
much, but seldom falls into the error of prov-
ing too little.”

Goodall.
The Inquiry

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Observations upon Dr.
Robertson's
arguments.

I am so far from agreeing with my friend the author of the Inquiry, in the compliments he pays the doctor on this observation, that I think, when applied to the present case, it specifically destroys his arguments, because it says no more than that Murray's party, which consisted of some of the most subtle heads in Europe at that time, avoided the rock on which the forgeries of ancient, but barbarous, times had split. Are such men as Morton, Maitland, Macgill, Wood, and Buchanan, to be put upon a level with those forgers of former days, (Harding in particular) who in every other respect were weak men, and generally impelled to what they did by motives of zeal, ignorance, and enthusiasm? Might not the same sagacity which suggested the observation to the doctor, have suggested it to Morton and Maitland, who was (if ever man was) a dupe to his own refinements? It is certain that Elizabeth was far from considering these specious defects, mentioned by the doctor, in the light he does; and from what we have quoted above, Cecil certainly thought they would operate to Mary's acquittal. The doctor proceeds to say, that "there are (of Mary's guilt) only imperfect hints, obscure intimations and dark expressions in the letters, which, however convincing evidences they might furnish if found in real letters, bear no resemblance to that glare and superfluity of evidence which

which forgeries commonly contain. All the advocates for Mary's innocence, in her own age, contend, that there is nothing in the letters which can serve as a proof of her guilt. Lesley, Blackwood, Turner, and others, abound with passages to this purpose; nor are the sentiments of those in the present age different."

Here I must differ from the doctor in two points, and one of them a matter of fact. Had Mary been tried before a legal jury, legal proofs might have been expected; but the truth is, Elizabeth and her commissioners never pretended to try her, but to receive the evidences against her; and Elizabeth, early in the proceedings of the commission, declared, that if she received such proofs as satisfied her of Mary's guilt, she never would suffer her to be restored to her throne. Murray and his friends therefore were under no necessity of carrying their forgeries farther, than to bring before Elizabeth such evidences as, though not legal, were convincing; and no man of candour (if he can suppose those letters to be genuine) can doubt of her guilt, though the evidence is not carried on to an absolute charge of her being an actual perpetrator of the murder. I must therefore be of opinion, that if Mary's friends rested her vindication not upon the forgery, but upon a defect of legal evidence against her arising from that forgery, they betrayed her cause. The next matter in

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which I differ from the doctor is, that whatever inconsiderate arguments Mr. Goodall might advance, it does not at all appear that Lesley quitted his strong fort of the forgery of the papers, to entrench himself behind the weak defence of their not amounting, though genuine, to a legal proof. But this will appear best by the sequel.

Mary's miserable condition at Bolton.

Mary was all this while in the toils of her enemies. She still resided at Bolton-castle, where Elizabeth had planted about her person her vice-chamberlain, Sir Francis Knolles, as a spy; and he, with the lord Scroop, punctually informed Elizabeth of whatever came to their knowledge concerning Mary's affairs. The lord Boyd was then by Elizabeth's permission at Bolton-castle, and had given Mary such informations concerning the despondency of all her enemies, in not daring to produce the silver-box papers, as had but too much elevated the unhappy princess, and thrown her off her guard. She made no secret of her resentment at Elizabeth's conduct, and was clear that her defence would be such as must acquit her in the eyes of the world. Perhaps she even was incautious enough to suffer some particulars of it to transpire. Elizabeth, from the informations which she received from Scroop and Knolles, was sensible that in any event Mary would be able to overwhelm her accusers with confusion, and formed a plan to have the whole

whole proceedings relating to the letters entirely quashed, but in such a manner as should disable Mary from resenting what had passed. She had, ever since the arrival of the bishop of Ross at her court, applied herself to his weak side, which seems to have been vanity. She commended him, not only for his honesty and attachment to his mistress, but for his abilities and dexterity in business; and she lost no opportunity of recommending him to Mary on those accounts. By those arts she wormed out of Lesley the defence which Mary was to have made; and the reader*, in the notes in

* Extracted out of a writing given to the queen's majesty by the bishop of Ross, December 18, 1568.

1. Upon trust through sundry promises, and receiving a ring from Bethune, after her coming out of Lochlevin she came into the realm.

2. At the beginning of the conference at York, the queen's commissioners did make offers to have reconciliation made.

3. Seeing not the queen's majesty, nor her ministers, have taken any pains to make a reconciliation.

4. The queen's enemies put the queen's majesty in fear of the queen of Scots alliance with France by her uncles.

5. The queen's subjects fear avenge, &c.

6. The queen of Scots will stay only upon the queen's majesty, and make security thereof.

7. She will content herself with such reconciliation as the queen's majesty shall appoint.

For defence of the charge.

1. Nothing is alledged but presumptions, "*quæ non sunt adeo vehementes.*"

2. It cannot be proved that the letters be written with her own hand: for she was of too much honour to commit such a fact, and of too much wit to have conceived such matter in writing.

3. Her hand, nor seal, nor date is to the letters, nor no direction to any.

4. Her hand may be counterfeited; whereof some assistant to the adversaries, as well of other nations as of Scots, can do it.

By

1569. Cecil's hand, will find some slight hints, from the paper he gave to Elizabeth, by which we may perceive, that had Mary been admitted to make her defence, it would have been vigorous, and perhaps unanswerable. By those hints, however, it seems as if Lesley had had some information as to the silver-box papers.

Elizabeth began to have very serious apprehensions concerning Mary's case, and the injustice of refusing her to be heard. She therefore wrote a letter to Sir Francis Knolles, who, with the lord Scroop, had informed her that Mary appeared to be undaunted and assured of victory. This letter is one of the strongest specimens of the arts of duplicity employed by Elizabeth in Mary's case. She there instructs Knolles, as it were entirely of himself, and in friendship to Mary, to deal with her, "That she might be induced (I use the words of Elizabeth's letter) for avoiding of the great extremities whereunto her cause may bring her to

By comparing of writings no truth can be had. "Cum de jure fallacissimum genus probandi sit per comparationem literarum proniores debemus esse ad absolvendum quam ad condemnandum."

5. As for the marriage with Bothwell, the nobility solicited and advised it, and subscribed thereto; and specially some of the adversaries, as by a writing under their hands will be testified.

Conclusion, &c. A request to make a reconciliation to the queen of Scots honour. And for any particular causes concerning the queen, there may be honourable devices with all surety.

And if reconciliation may not follow; then a request to restore the queen of Scots to her country, and supporting of her; and if that be thought chargeable, then not to support her adversaries, neither be offended that aid be sought of other princes.

yield, so as it might also appear of her own will, that by way of permission, that her son may continue in the state wherein he is; and the regiment also in the earl of Murray, as already it is ordered by their parliament, and herself, to continue here in our realm, during such time as we shall find convenient; and her son, nevertheless, for his safety, to be brought into this our realm, to be preserved and educated under the custody of persons of the birth of Scotland for a certain space; and the whole cause of hers, whereof she hath been charged, to be committed to perpetual silence; and the cause of this her yielding and assent, to be grounded and notified to proceed of her own good will, by reason of her weariness of governance, and desire to see her son established, in such terms, to save her honour, as is more at length contained in the instrument devised for the demission of her crown, whilst she was in Lochlevin." Elizabeth then proceeds to give Knolles some other orders to the same effect, and instructs him to communicate the same in great secrecy to the lord Scroop, that they might not differ in their tale. "And this we would have done, concludes she, before the bishop of Ross shall come thither, whom we have caused to be stayed a day or two upon another pretence; meaning to cause this matter to be so indirectly broken with him, as he shall have cause to deal with the queen

A.D. 1569. queen herein at his coming thither; and therefore we would have her mind not only understood herein beforehand by you, but also prepared by this purpose, and in any wise not to be known, that you are directed from us in this cause."

After producing this remarkable letter, the reader can scarcely doubt of Elizabeth's insidious views, which were to obtain the government of Scotland, by the young king being committed to her custody, and keeping the regent devoted to her service; and all this, as if it was to be the free act of Mary. As to the silver-box papers, they were to be committed to perpetual silence; nor are they so much as mentioned, nor even hinted at, by Elizabeth, who, by this time, knew them to be infamous forgeries. Is it to be imagined, that a woman of her sagacity and penetration, had she thought them to be genuine, would not have detained them in her own hands, as undoubted evidences of Mary's guilt, and the most effectual means, by threatening to expose them with the real originals to her own and foreign ministers, to bring Mary to give up all thoughts of resuming her throne?

The lord Scroop and Sir Francis Knolles had but very indifferent success in executing the secret commission they were charged with by their mistress. Mary, when they received Elizabeth's letter, was in private conference at Bolton

letter from
Knolles to
Elizabeth,
n. 1.
69.

Bolton with the lord Boyd, and Roulet, her former secretary, predecessor to Rizio, who had brought her over dispatches from the cardinal of Lorrain. Elizabeth, according to the vice-chamberlain's answer, had gone so far in cajoling Lesley, that she had proposed continuing Murray in the regency, by a joint deputation from Mary and her son. The bishop did not fail to advertise Mary of this proposal; and that Elizabeth resolving she should be still a queen, intended to discountenance Murray and his associates. Mary was enraged when she found that the language used towards her by Elizabeth and her ministers, was so very different from Lesley's reports; and she treated her two keepers with great freedom on that account, and as being her chief enemies. Many other circumstances concurred in giving her great spirits. Elizabeth had affected to behave to Murray, whose chief residence was at Kingston upon Thames, with great neglect. Mary's friends were then so powerful in Scotland, that he and his friends could get no money from that country; and their credit was almost exhausted in England, when they consented to produce the silver-box to the English commissioners. Elizabeth then agreed to lend Murray two thousand pounds; but small as the sum was, she insisted upon the duke of Norfolk's personal security for repaying it, which he afterwards actually did. The growing

They prove
ineffectual.

A. D. 1569. strength of Mary's party in England gave Elizabeth apprehensions that she might overact her neglect of Murray; and Mary's conduct determined her to shew him as much friendship as she had hitherto contempt. She ordered Tamworth, the same who had been sent to Scotland, to advance him in her name five thousand pounds, upon Murray's giving a note for the repayment of it in nine months, which he did.

Goodall,
vol. ii. p.
325.

Incautious
conduct of
Mary.

Mary was now more than ever exasperated at Elizabeth's conduct. Sensible as she was how powerful her friends were in Scotland, she wrote them a letter, "taxing Elizabeth with breach of promise, and with the blackest treachery towards her cause. She affirmed that Elizabeth had made a secret convention with her rebels to the following effect: That her (Mary's) son should be sent to England, and there educated; and that the castles of Edinburgh and Stirling should be put into Elizabeth's hands for her security, upon her declaring him the next in her succession, if she had no issue. That the earl of Murray should take the castle of Dunbar, and put it into the hands of Elizabeth, who was to procure his legitimation, so as to enable him to succeed to the crown of Scotland; in which event, he was to hold it as a fee from that of England. She then pretended that a compromise had been made between Murray and the earl of Hertford, whose wife was dead, and Cecil, who

who was to give that earl one of his daughters in marriage ; and that Murray had agreed to guaranty to the earl's children, by the lady Catharine Grey, the succession to the crown of England ; he, on the other hand, keeping Murray in quiet possession of Scotland. She then concluded with some bitter reflections upon Elizabeth, and ordered her friends not only to do all they could to destroy her rebels, but, if possible, to hold a parliament."

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This ill-judged letter, fatally for Mary, was intercepted by Elizabeth's ministers ; and convinced that princess, who delivered it to Murray, that Mary was fully apprized of all her arts ; and that the best course she could pursue was to support Murray in his regency. Besides the five thousand pounds she lent him, she ordered a proclamation to be made upon the borders, contradicting the facts contained in Mary's letter. A copy of this proclamation, which is dated January the second, and said " to be against slanderous writings published in Scotland," is published in the Cecil papers. The manner in which it touches the removal of the young king of Scotland into England is pretty remarkable. " Although it is true that some speeches have been used by such of the friends of the prince, as are known to be most naturally affected, wishing the child under the guard of them who now have the charge of him, to be out of the dangers of

Elizabeth
and Murray
reconciled.Hayne's
State Pa-
pers, p. 500.

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his enemies that have already murdered his father: but hereof was there never any manner of convention or accord; neither yet was there heard by her majesty any word of the earl of Murray, or of any of his company, to allow of any removing of the same prince out of Scotland, or out of the charge of them that now have the custody of him." This was, at best, a palliating apology, because almost every state-dispatch of that time proves that it was Elizabeth's earnest desire to have that young prince in her hands. Along with this proclamation, a letter was sent to Elizabeth's wardens of the marches, directing them to convey the earl of Murray and his friends from Newcastle to the Scotch borders, and farther, if requisite for their safety. They are likewise required not to insist, for some time, upon his attending the affairs of the borders; and that no Scotchman should pass into England without his licence. "And because (continues she) we have hitherto found no matter to move us to disavow the authority wherein we have found him, knowing him to be well-disposed to maintain justice and peace betwixt both these realms, we would have you neither do, nor suffer to be done any manner of thing within your rules, prejudicial to his government, before you shall have direction from us; but generally to further him in all reasonable causes during the time we shall allow

allow thereof." It is now necessary that I should return to the state of the match between Mary and the duke of Norfolk, which proved to be the secret spring of other events.

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I have more than once observed, that the profound dissimulation of Elizabeth and Cecil renders it extremely difficult, for the best informed historian, to state the facts of her reign with any degree of certainty. They had often in their pay and service spies of opposite parties, and occasionally employed the informations of the one against the other. According to the testimony of historians nearest the time, and, indeed, many of the state-papers, Murray was disposed to the match between Mary and Norfolk; and Maitland, even after he produced the silver-box, interceded so effectually in his favour with the duke of Norfolk, that he brought about a reconciliation between them. I shall, from the best records that are now extant, without having regard to historians who were not assisted by them, endeavour to give as clear a view as possible of this matrimonial labyrinth.

Progress of
the match
between
Mary and
Norfolk.

Upon the return of Norfolk from visiting the frontiers towards Scotland, after the commission at York was dissolved, his design had certainly transpired so far, that it was the public talk of the court, he was to marry the queen of Scotland. This came to Elizabeth's ear; and Norfolk knowing how jealous she

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she was in such cases, was at great pains to clear himself from any such imputation; and acted with so much seeming sincerity, that Elizabeth believed, or seemed to believe, that there was nothing in the report. She declared, at the same time, to her courtiers, "that tho' Norfolk did now dislike the match, yet he might, perhaps, be brought to like it for the benefit of the realm, and for her majesty's own safety." This speech, which, by the bye, was very ensnaring, produced a declaration from Norfolk, "That no reason could move him to like of her, that had been a competitor to the crown; and if her majesty would move him thereto, he will rather be committed to the Tower; for he meant never to marry with such a person, where he could not be sure of his pillow." After the conferences were removed to Hampton-court, Norfolk had several conversations with Murray, who appeared to be so apprehensive of his failing in his attack upon Mary, that he renewed his solicitations with the duke for compleating the marriage. Norfolk, who had no reason to have a good opinion of him after his behaviour at Westminster, answered coldly, that if the earl could set his queen free in her realm, and thereby make her fit for a good husband, then he would give him an answer. Notwithstanding this dissimulation, Norfolk had the weakness to listen to Maitland's solicitations in favour

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vour of Murray, and formed a strong party in England for the match. Its heads were the earls of Arundel and Pembroke, the lord Lumley, Sir Nicholas Throgmorton; and, at last, the earl of Leicester himself seemed to favour the proposal, though he certainly betrayed the whole intrigue to Elizabeth. Norfolk's pretext for engaging those great men was, that both before and after his marriage he intended to employ the whole of his interest for securing Elizabeth against all the practices of Mary and her friends, and to indemnify Murray and his party for all that had passed. The regent, however, had a farther end to serve by the apparent cordiality of his reconciliation with the duke of Norfolk. He knew the great sway which that nobleman's authority had all over the north of England, and that it was in his power to have intercepted him on the road. Some historians say, that Murray had actually got intimation of such a design being on foot; and this is the more probable, from the letters and instructions which, as we have already seen, Elizabeth sent to her wardens in the marches, and her putting the duke of Chatleheraut, the lord Herries, and the bishop of Ross, under a sort of an arrest, till Murray and his friends had time to reach Scotland.

Murray, to ensure his own safety on his journey, sent Sir Robert Melvil to Rippon, where Mary happened then to be, with a letter,

Artifice of
Murray.

A. D. 1569.

ter, enforcing the propofal of the marriage between her and the duke of Norfolk. She received the meſſage as if ſhe had known nothing of the matter; but ſaid, that whatever match for her was approved of by her parliament, ſhould not be diſpleaſing to her. Murray farther urged, that ſhe ſhould order a ceſſation of arms between him and her party in Scotland: in that likewiſe ſhe ſaid ſhe would be directed by her parliament; but ſhe refuſed to give any definitive anſwer till ſhe was reſtored and ſet at liberty. Melvil, (of whom ſhe had a good opinion) at laſt, perſuaded her to ſend letters to the duke of Chatleheraut, and her other friends in Scotland, to ſuſpend all hoſtilities, till farther orders, againſt the regent and his party; and it is thought that it was owing to this artful management that they returned in ſafety to Scotland on the ſecond of February. On the twentieth of the ſame month, the duke of Chatleheraut, the commendator of Kilwinning, and the lord Herries, arrived in Scotland likewiſe, and both parties prepared for hoſtilities. But I am now to attend Mary.

Mary ſent
prisoner to
Tutbury.

The diſappearance of her enemies juſt at the time when her miniſters offered to vindicate her innocence, and to prove their guilt, and their carrying off the ſilver-box with its contents, was conſidered not only by Mary, but by the impartial public, as a complete triumph
over

over all their efforts. The papers were no more mentioned, than if they had never existed; and had not the party afterwards thought proper to print them, such had been the caution of Elizabeth, that posterity could have had only a very faint idea of their contents, until the Cecil and other state-papers were published. Mary, as usual, was so sanguine, that she 'threw out her defiance, even against Elizabeth herself; at which, joined with the intercepted letters, that jealous princess was so much exasperated, that she ordered Sir Francis Knolles to remove Mary to Tutbury, a royal castle in the keeping of the earl of Shrewsbury, without delay, and without permitting any person to be about her, who should dissuade her. Mary was sensibly mortified at this cruel order; and now saw herself a prisoner in the strictest sense of the word. She was obliged to submit; and letters were dispatched to the sheriffs, and Elizabeth's other officers in the north, to provide a proper guard of gentlemen to attend the vice-chamberlain, and the lord Scroop, in conducting Mary to Tutbury. I perceive, that Elizabeth, at the same time, wrote Mary a letter, acquainting her with her removal. This resolution of Elizabeth had been formed ever since October preceding; and in a few days after it was executed, Cecil received a letter from the regent, shewing the necessity of making Mary

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Dated Feb.
17, and 21.

a close prisoner. By other letters from lord Hunfdon, he was informed, that the Hamiltons, and the earl of Huntley, were in arms in Scotland, and had taken possession of Glasgou with a body of seven thousand men, intending to march forward, and to fight the regent.

Letter from
Mr. White
to Cecil,
Feb. 26.Her private
life there.

As the reader may be naturally desirous to view Mary in her then sequestered state of life, I am enabled to gratify his curiosity by an unexceptionable witness, one of Cecil's friends, who paid her a visit soon after her removal to Tutbury, and sent Cecil a very minute account of her person and manner of living. Whatever Mary's private sentiments might have been, she heard the English service; and White found her with a book of English psalms in her hand. She informed him, that she was very anxious to learn the English language; that she made use of translations for that purpose; and that Mr. Vice-chamberlain was her schoolmaster. She seemed uneasy at her change of prison, especially at such a severe season of the year; but submitted to it, because it was her good sister's pleasure. She said, that when confined to her house, she diverted herself with her needle, as she found some amusement in the variety of colours she employed in her work. She entered into a comparison between sculpture, painting, and working with the needle; but gave the preference to painting. As to
her

her person, White says that she was a goodly personage, (not comparable, however, to Elizabeth) an alluring grace, a pretty Scottish speech, and a searching wit, clouded with mildness. He therefore thinks, that few English subjects ought to have access to her person, there being so much danger to Elizabeth in her charms. He says her hair was naturally black; but that Mr. Knolles told him she wore hair of fundry colours. Upon her cloth of state was embroidered a French device, signifying, that “* In her end was her beginning.” Her two chief domestics were the lord Levingston and his wife, both of them protestants; and she had about her nine women more, fifty persons in household, and ten horses. She complained of a pain in her left side, which she called an old grief, and she never went to bed till one in the morning; but White early next day saw two halberd men without the castle wall searching under her bed-chamber window.

The failing of Mary (and, indeed, we may say the same of her friends) was, that the smallest glimpse of hope soon recovered her from the greatest dejection. Though, upon her removal to Tutbury castle, she thought it had been a machination of Cecil, that she might be privately put to death, yet she reco-

A conspiracy against Cecil.

* En ma fin est mon commencement.

A. D. 1569. vered herself from her consternation, when she heard that a powerful conspiracy had been formed at the English court against that statesman. His enemies, the most violent of whom was Sir Nicholas Throgmorton, thought that the unbounded supplies with which Elizabeth furnished the Hugonots, exceeded all the bounds of economy; that the provocation she gave to his catholic majesty, by detaining the money of his subjects, was impolitic; and above all, that her treatment of Mary was barbarous and unjustifiable. Not only the duke of Norfolk, but the marquis of Winchester, the earls of Arundel, Northumberland, Westmoreland, Pembroke, and Leicester, concurred with Throgmorton in those sentiments, and had formed a plan for sending Cecil to the Tower. It was discovered by Leicester, the most perfidious man alive; and the whole design was critically defeated by Elizabeth's interposing, and declaring that she never would abandon her faithful servant.

Terms proposed to Mary,

The disappointment of this confederacy did not at all affect the grand scheme of Norfolk's marriage with Mary, in which he and his friends were so sanguine, that they even talked of a marriage between the young king of Scotland and the duke of Norfolk's daughter, they being nearly of the same age. The duke having no doubt that Murray was for the match, it was resolved that the bishop of

of Rofs should sound Leicester upon the subject. In doing this, he made that nobleman a compliment, "That if his mistress marrying with an English nobleman was necessary for the good of the two kingdoms, he, (Leicester) if he pleased, might be the man." Leicester's answer was, "That he would have nothing to do with such a marriage; but that he would be for it, if no other way could be found to be rid of so dangerous a woman, and provided Elizabeth was pleased with the match." After some consultation, the other English noblemen concerned, declared themselves to be of the same opinion; and the marriage between Mary and Norfolk was judged to be as good as concluded. It is but doing justice to the memory of those lords, when it is observed, that no factious considerations or religious prepossessions influenced them on this occasion, as must appear by the articles which they drew up for Mary to sign, to serve as a foundation for an application to Elizabeth in favour of the match. "That the queen of Scots makes sufficient surety to the queen of England, and to the heirs of her body, for the title of the crown of England. That a perpetual league offensive and defensive be made betwixt them, their realms and subjects. That protestantism be established in Scotland. That her subjects of Scotland be reconciled to her, and accepted in as great favour as ever they were. Item, that

A. D. 1569. that a renunciation be procured by the queen of Scots of a title which the duke of Anjou pretended to the crown of England, by virtue of assignation made to him by the queen of Scots, in hope of a marriage to be contracted betwixt them. Item, because it was feared that the queen of Scotland would marry with some foreign prince, whereby the religion might be altered, and the state of both the realms might be endangered, that therefore the queen of Scotland should accept some nobleman of England in marriage, specially the duke of Norfolk, who is first of the nobility of the best calling of that realm, and most fit of all others; and they doubted not the queen of England would like well of the match with him before all others."

previous to
her mar-
riage with
Norfolk.

None but a princess so tyrannically jealous as Elizabeth was in all matters of government, could have found fault with a set of articles so evidently calculated to what she had always declared to be her own chief views, the happiness of both kingdoms, and the establishment of protestantism. The earls of Pembroke and Leicester transmitted them to Mary, with a letter, in which they promised that, upon her complying with them, they would do their utmost to forward the marriage, and to her being declared presumptive heir to the English crown. Mary's answer was, that she could not agree to the proposal of a league offensive

offensive and defensive between England and Scotland, without the French king's consent and participation, and without making him, at least, an offer of his being included in the same. That though, upon her honour, she never had made any such renunciation to the duke of Anjou's pretensions, yet she was willing, for their satisfaction, to procure the desired renunciation; and that she had no objections to the marriage with the duke of Norfolk, provided it might be effected with Elizabeth's consent. Thus stood Mary's concerns in England in the spring of the year 1569; and so far were the silver-box forgeries from hurting her in the estimation even of those who had perused them, that it was thought all Elizabeth's power, great as it was, could not set aside a marriage which was so entirely agreeable to her great nobility. But I am now to attend the affairs of Scotland.

No sooner was the regent returned to that country, than he assembled the lords of his party, and his friends at Stirling. The meeting was very full; and consisted of the earls of Athol, Mar, Glencairn, Monteith, Buchan, John master of Graham, William master of Marshal, Andrew master of Errol, the commendators of Balmerinoch, Dryburgh, Cambuskenneth, Coldingham, Whitethorn, John lord Glamis, Alexander lord Saltoun, John lord Innermeath, Allan lord Cathcart, Andrew lord

The regent
assembles
his friends.

A.D. 1569. lord Ochiltree, the secretary, the treasurer, the comptroller, clerk of justiciary, clerk of register, the advocate, the commissioners from Edinburgh, Stirling, Dundee, Peebles, Glasgow, Cowpar, St. Andrew's, Perth, and Haddington, besides the commissioners who had returned from England. The chief business of this convention was to approve of the proceedings of the commissioners, and of Murray's raising some forces for the support of his authority *; but matters soon took a different turn. The duke of Chatleheraut arrived in Scotland on the twentieth of February; and Mary, as if still possessed of her authority, had sent down commissions of lieutenancy to him, the earls of Argyle, Huntley, and others; but Spotswood says, that he was made Mary's deputy, perhaps he may only mean one of her lieutenants. It is certain that upon his arrival he published letters, prohibiting her subjects from acknowledging any other sovereign than the queen; and he sent a long letter to the assembly of the church then convened at Edin-

* I shall not tire my readers with a repetition of the reasons why I think that the Memoirs under the name of Melvil could not have been written by that gentleman. I shall therefore refer him to the Cecil papers, where he will see, to a demonstration, that the whole of his narrative of Murray's secret transactions with Mary and Cecil at this time are fictitious. I have, it is true, page 154 of this volume, admitted the possibility of Murray's informing Cecil of the intended match between Mary and Norfolk; but it is evident, from the beforementioned papers, he did not tell them that he had entered into the deepest engagements with Norfolk to bring it about.

burgh,

burgh, intimating, “ That he had left France, in order to use his best endeavours for composing the unhappy differences of his native country; and though by these he had greatly suffered, yet did the dangers to which the kingdom was then exposed, affect him most. He could therefore wish, that a convention of the estates would unanimously agree to some reasonable course for avenging the king’s murder, whence he supposed all these evils had proceeded, which would be most grateful to himself, and the remanent nobility who espoused the queen’s cause. This overture did not arise from the earl of Murray’s proclamation; for as he was abroad when these troubles began, so he trusted that his own deserts, and those of his ancestors, would sufficiently screen him from their effects. He therefore desired the brethren, in God’s behalf, either to communicate his sentiments to the public, or to come and reason with himself, whom he assured they should find most willing to be ruled in all things, according to God’s word and equity.”

This unmanly appeal to an ecclesiastical tribunal (if a meeting of self-ordained preachers, far from being respectable either by their birth or learning, can be called such) was highly flattering to their vanity; but was perfectly agreeable to the duke’s inconsistent character. Their answer was, “ that they would communicate the letter to the regent, and know his

He treats
with the
duke of
Chatle-
raut.

A. D. 1569. pleasure, whether they should depute any of their number to treat with his grace." The regent approved of this proposal; and the superintendants of Lothian and Fife, with a preacher, one Row, were sent to bring about a reconciliation between the duke and the regent. Thus far I have proceeded on the authority of archbishop Spotswood; nor does it materially clash with the accounts afterwards given us by Lesley and Camden: but all we can infer from it is, that each party was willing to have the assembly on its side; for I am inclined to believe, with the author of the manuscript made use of by Crawford, that other mediators were likewise employed; and that the duke was in a condition, at the time of his arrival, to treat with arms in his hands *. According to that writer, the regent, after his return, had recovered the castles of Draffen and Royston, while the duke despairing of being supported from England, and knowing that a civil war was on the point of breaking out in France, sent the archbishop of St. Andrew's to treat of an accommodation with the regent, who agreed to meet the duke's friends at Glasgow on the thirteenth of March †.

* The manuscript made use of by Crawford, and which is said to be contemporary with the transactions it relates, receives great sanction from its agreement with the Cecil papers, which were not published till the year 1740.

† Archbishop Spotswood is certainly mistaken in saying, that by the labour of the superintendants, (of whom, if I mistake not, his own father was one,) it was agreed, that the duke should

At this meeting, the regent demanded that the duke and his adherents should acknowledge the king's authority, and behave towards him as faithful subjects. It was demanded, on the other hand, by the duke and his party, "that upon their acknowledging the king as aforesaid, every nobleman should be admitted to his own place in council, as the born counsellors of the realm, and as their predecessors had been in the times of former princes; and that the regent should be sworn to behave himself uprightly and indifferently to them, without being influenced by the remembrance of any past differences; that a general restitution should be made to such as had served the queen; and that all their estates, except those that had been forfeited for the late king's murder, should be restored to them; that the queen's honour and advancement should be provided for in such a manner as not to be prejudicial to the king." The above articles being consented to by the regent, it was next agreed, that a general meeting of both parties should be held on the tenth of August following; to which were to be invited the regent, the duke of Chatleheraut*,

A. D. 1569.

Substance
of a conference.

should come to Glasgow, and submit himself to the king's authority.

* It does not clearly appear to me that the duke was present at this conference. The paper which contains it mentions only the earl of Cassils, the lord Herries, and the abbot of Kilwinning, who appeared in the duke's name.

A. D. 1569. the earls of Huntley, Argyle, Morton, Mar, Athol, Glencairn, and lord Herries, in order to deliberate about the execution of the last mentioned article; the regent promising, upon his word of honour, that they may come safely, without danger to them in their coming, remaining, or returning. In the mean while it was agreed, that the duke of Chatleheraut, and the other noblemen, should make no use of their commissions of lieutenancy that had been sent to them by the queen. The last article of this conference, according to the copy of it published in the Cecil papers, which is somewhat different from that printed in Crawford's Memoirs, runs as follows: "Because the forces may be presently dissolved, whereby no injury be done by any subjects of the realm by way of deed; and reasonable it is that security be made to my lord-regent for performing of their part of the articles afore-said, he performing to them so far thereof as concerns his part: therefore the duke's grace, the earl of Cassils, the lord Herries, shall presently enter sufficient pledges, to remain with my lord-regent, while their part of the said articles be performed, that is to say, one of the duke's sons, the said earl of Cassils, or his brother, and the said lord Herries, or his eldest son †.

† The copy printed by Crawford says, that the regent promised to perform, UPON HIS HONOUR, so far as concerned his part.

I cannot take upon me to determine whether those articles were engrossed and subscribed by both parties ; I am apt to think they were not, but that they were looked upon by the regent and his friends, to be binding upon the duke and his friends. After the conference broke up, both parties agreed to pay their respects to the young king at Stirling, where they were magnificently entertained by the regent and his friends. Before they left Stirling, the duke was called upon by the regent for his surety ; but it was found upon enquiry, that the terms proposed in the conference were universally disapproved of by Mary's friends, nor would either of the duke's sons trust himself as a pledge in the regent's hands. The archbishop of St. Andrews, who I believe was the great manager for the duke's party, and who had a greater regard for the Hamilton family than his sovereign, voluntarily offered himself, and was accepted of as a surety ; but Cassils and Herries were detained till they were relieved by the former's brother, and the latter's eldest son*, who surrendered themselves as pledges.

It must be acknowledged, that Murray at

Conduct
Murray,

* Besides the improbability, from the title of the paper, that the duke was present at the conference, I can scarcely see with what propriety a conclusive agreement could be signed in the absence, and without the consent, of those who were to be sureties for the performance. I shall not, however, dispute, that the complexion of the meeting was so amicable, that Murray might have reason, bona fide, to think, that the articles were binding.

D. 1569. first proceeded as if he thought the preliminary agreement had been concluded. Returning to Edinburgh he dismissed the prisoners he had taken at Langside, those who were condemned as well as those who had not been tried, upon their giving bail for their good behaviour, only one of them (Hamilton of Bothwel-haugh) having made his escape. He soon altered his conduct, when he understood that the earls of Argyle and Huntley disapproved of the articles, and refused to be included in the agreement; but he proceeded with his usual intrepidity. He knew that those two noblemen had very different sentiments as to public affairs, and that they would find it impracticable to join their forces. The battles of Corrichie and Langside had given him a thorough contempt for his enemies, both in the west and the north; and he resolved to proceed with the utmost severity against Mary's friends.

Who com-
mits the
duke of
Chatle-
heraut and
the lord
Berries to
prison.

All parties meeting according to agreement on the tenth of April, the regent produced a paper containing, as he said, an acknowledgment of the king's authority, and asked the duke of Chatleheraut, with a peremptory air, whether he and his friends were ready to sign it? The duke, on his part, remonstrated, that he had done every thing according to the late agreement, and that it lay upon the regent to perform his part with regard to the articles that were to redound to the queen's honour
and

and advancement. He put the regent in mind, at the same time, that he and his friends had come to the meeting unarmed and unsuspecting, and that he had not only their persons, but those of their hostages, in their hands. The regent paid no regard to his representations, but on the sixteenth of April sent the lord Herries, who had demurred likewise as to the performance of the articles, that very night a prisoner to the castle of Edinburgh, and committed the duke to the same prison next day. When every circumstance is considered, I cannot join with the violent friends of Mary in their invectives against the regent on this occasion, though perhaps it was not strictly justifiable by the laws of honour. According to their own accounts, the first article of the agreement was, that the duke and Mary's party should acknowledge the young king's authority. The regent required a test of their sincerity in performing this preliminary, by subscribing the paper he produced; and if they refused it, they certainly gave him some colour for acting as he did; though perhaps a man of greater delicacy, and less austerity, would have acted in a less exceptionable manner.

Whatever compliments have been paid to the regent as an upright statesman and a brave soldier, he was not without his failings in religious matters. After committing the two lords, he refused to protract the meeting, as they

His cruelty
to supposed
necroman-
cers,

A. D. 1569. they had desired, to the tenth of May, and went to Stirling. He there ordered four priests to be hanged, but changed their punishment into their being chained to the market-crofs, with their vestments, books, and chalices, where they were severely pelted by the populace, and all their implements burnt by the hands of the common hangman. He then proceeded to St. Andrews, where he committed two detestable murders (if we are to believe the manuscript made use of by Crawford). The one was upon one Nickneven, whom he ordered to be burnt for a witch or forcerefs; and the other against William Stuart, then lord Lyon king at arms, who was hanged upon a charge of some doubtful points of necromancy and witchcraft. This gentleman is said to have been a determined friend to Mary, and to have narrowly escaped death upon his trial for a former conspiracy against Murray. While the regent remained at St. Andrews, he likewise ordered Hubert, or French Paris, whom we have so often mentioned, to be hanged. Lesley, and all the contemporary writers of Mary's party say, that he died without impeaching Mary as being accessary to her husband's murder. Murray, it is true, sent up to London the confession which he is said to have made at his death; but the authority of it has, I think, been sufficiently disproved; nor do I find that Murray, though he had an opportunity to do it,

and execu-
tion of
Paris.

See Goodall
and the In-
quiry.

it, ever contradicted the fact, which was alledged and published by Lesley. But upon the whole, as I have already hinted, when the circumstances under which the poor wretch then was are considered, his confession ought to have no weight. A. D. 1569.

The regent now thought it high time to reduce the earls of Argyle and Huntley, and he soon found the good effect of the vigorous measures he had taken. The former perceiving the blow which Mary's cause had received by the imprisonment of her friends, repaired to St. Andrew's, where he found no great difficulty in being reconciled to the regent, upon his swearing allegiance to the king. Huntley was far more obnoxious than Argyle, and his case more unfavourable. He had reduced the counties of Angus, Merns, Strathern, and the greatest part of the north, to Mary's obedience, and had treated as rebels all who ventured to dispute her authority; consequently, they suffered deeply in their effects and estates. Though Murray was resolute and undaunted, yet he consulted his friends how to proceed. Some of them were for burying all Huntley's past offences in oblivion, for the sake of public tranquillity; but a middle way was resolved upon, which was to grant him a pardon, but to oblige his followers to make reasonable compensation for the damages they had done. Those terms being intimated to Huntley, who now stood

Argyle and
Huntley
submit to
the regent.

A. D. 1569. by himself, he thought proper to submit to the regent, who took hostages for his good behaviour, and that of the clans; and marching northwards, he held justice courts at Aberdeen, Elgin, and Inverness; and then he returned southwards, having reduced the northern parts to a state of perfect tranquillity.

Terms proposed by Mary.

The accounts of the regent's amazing resolution and activity struck Mary with consternation; and she rather, as she thought herself upon the eve of regaining her liberty. She sent the bishop of Ross, as her ambassador, to complain at the English court of the regent's rigorous proceedings against her friends and subjects, and of the assistance afforded him by Elizabeth. The latter continued to profess a high regard for the bishop, and treated him with so much respect, that she and her ministers desired him to put in writing the terms offered by Mary.

These were, That Mary never was to trouble the queen of England on the subject of the title to her two crowns; that she was willing to ratify the treaty of Edinburgh, made in July 1560; provided always, that failing Elizabeth, and the heirs lawfully begotten of her body, Mary should have her right and title to the crowns of England and Ireland, fully and wholly reserved.

Second, That there be a new treaty of friendship between the two queens and their realms, by advice of the estates.

Third, That both these articles shall be confirmed by the oaths and seals of both princes, and by acts of parliament; and if further assurance is required, the queen of Scots shall obtain the obligations of the kings of France and Spain, for her punctual observance of her part of the agreement. A. D. 1569.

Fourth, To gratify the queen of England, queen Mary shall pardon all her subjects who have offended her, provided they return to their obedience, own her as her sovereign, deliver to her the prince her son, surrender the fortresses, restore the jewels, and make restitution to her faithful subjects whom they have injured.

Fifth, The murder of lord Darnley shall be forthwith punished upon the executors of it, according to the laws of the realm.

Sixth, And because the nobility dread the return of the earl of Bothwell, a process of divorce, says the original, shall forthwith be deduced against him, to remove all colour that might be pretended in time to come.

Seventh, These being agreed to, the queen of Scots shall be sent into Scotland with a safe and honourable convoy from queen Elizabeth, and there be restored to her crown and government by a parliament, all former statutes to the contrary being abolished.

Such were the terms that Lesley, by his sovereign's order, proposed as the basis of a ne-

Delibera-
tion of the
English
council.

A. D. 1569. negotiation for her freedom. By a paper published in the Cecil collection, said to have been given in by Wood, it appears, that the debates in the council of England turned upon the following points: First, That Mary might be restored to liberty, upon her confirming the resignation she had made in Lochlevin. Second, That she might be joined in title with her son, but the executive power to remain with the regent. Third, That she should be restored to the exercise and enjoyment of her royal dignity, under the following restrictions: that Mary should profess the religion of the church of England: that a council should be established in Scotland, with the earl of Murray at its head, by whom Mary was to be directed in all matters, until the prince should be eighteen years of age: that a full restitution and pacification should be made in Scotland, and restitution to all but those concerned in Darnley's murder; that no strangers, excepting known merchants, and necessary servants, be suffered to remain in Scotland; and that the league between France and Scotland, as prejudicial to England, be cancelled, and a new one made between England and Scotland. To compass this end, it was proposed, that the parties of the treaty should be the queen of England, the queen of Scotland, and the prince and states of Scotland; that the breach of it shall be, by the Scotch parliament, declared to be high

high

high treason; that if queen Mary shall break it, in the judgment of Elizabeth and the council of Scotland, she shall forfeit all her rights and titles to her son, who shall be immediately acknowledged king. Lastly, the Scots were to give hostages for the performance of the treaty to Elizabeth, until their prince was eighteen years of age. A. D. 1569.

Though I have often hinted at the inscrutable characters of Elizabeth and her minister, yet I am inclined to believe, that the public out-cry against the injustice done to Mary was such, that they were, at this time, really serious in their deliberations concerning her; nor can I think that the above proposals were so unreasonable, or so derogatory to her honour, as might have been expected from the regent. In short, the negotiation went so far, that a reconciliation appeared on the point of taking place, when it split upon the secret article of Norfolk's marriage with Mary. That nobleman now thought, that Elizabeth's consent to Mary's liberty was little more than a matter of form; and he employed Cantrell, one of his domestics, to sound his friends in the north on the subject. These were the earls of Suffex, Northumberland, Westmoreland, Cumberland, and Derby. The earl of Suffex declared himself against the match; the earl of Northumberland had some family-reasons to be cold in the affair; nor did it meet with great encouragement

Elizabeth
irreconcil-
able to
Norfolk's
match with
Mary

A.D. 1569. rage ment from the other noblemen. It is certain that Elizabeth was fully apprized of the whole affair; and both her behaviour and conversation proved, that she never could be reconciled to the match, though she was not ignorant of the duke and Mary's connections with her great subjects. In public, she used between jest and earnest, alluding to the duke's former expressions, to bid him beware upon what "pillow he laid his head;" and the manner in which she talked of the marriage, struck terror into the greatest and boldest of her nobility.

Murray's
duplicity
discovered.

In the mean time, a correspondence was still kept up between the duke of Norfolk and the regent, who, while he was proceeding with the utmost rigour against Mary's friends in the north, sent the duke the strongest assurances of his friendship, and of his cordial disposition towards his match with Mary. This produced from the duke the letter which the reader will find in the notes*, and never

* The copy of a letter from the duke of Norfolk to the earl of Murray, by the lord Boyd.

"My good lord,

"I have received your courteous letter, whereby I do not only perceive you well affected for the advancement of your common weal, and the uniting of this land; but also your lordship's good mind towards me; which two points I cannot but note, to your special commendation, and my comfort: And as you shall prove me industrious to assist you with all my power in the one, so shall you not find me ungrateful in the other, but ready to requite you to my uttermost for your friendship so frankly offered. The rather I shall have occasion to employ myself for the just reward

has been seen by any Scotch historian; but A. D. 1569.
unanfwerably proves the spurioufness of Mel-

ward of your deserts, the sooner I shall think myself in nature, friendship, and conscience, discharged of my obligation. In the mean time, good my lord, assure yourself that you have not only purchased a faithful friend, but also natural brother, who is not, nor will be, less careful of your weal and surety, than of his own honour and credit; whereof I am fully persuaded you doubt not, and therefore, in that point, I need not to be over tedious. But briefly to return to that you desire to be satisfied, which is for my marriage with the queen your sister. Wherein I must deal plainly with your lordship, as my only friend, that I have proceeded so far therein as I, with conscience, can neither revoke that that I have done; nor never do mean, while I do live, to go back from this that is done, nor with honour proceed further until such time as you there shall remove all such stumbling blocks, as to be impeachments to our more apparent proceedings: which when by you it shall be finished, upon my honour, the rest shall follow to your contentment and comfort. Wherefore my very earnest request at this present to you, my good lord, is, that you will proceed herein with such expedition, as though the enemies to this good purpose (which will be no small number, against the uniting of this land into one kingdom in time coming, and the maintenance of God's true religion) may not have opportunity, through delay given them, to hinder our pretended determinations; against the which, I am of opinion, there will be no practice by foreign princes omitted. This much, I hope, will be sufficient to resolve you of your desire touching the marriage; referring myself wholly for your ample instruction and satisfaction in all points to my lord Boyd; who hath commission by the queen of Scotland, your sister, and also by me, to resolve you of all doubts, whom I wish you to credit as myself. You shall not want the furtherance in this enterprise of the most part of the noblemen of this realm, whose faithful friendship in this cause, and all other my actions, I have, to my contentment, sufficiently proved.

“ Thus being persuaded that your lordship's endeavour is for the maintenance of God's glory, and the advancement of the commonweal of this island, I have adventured to impart my secret determination, as to one whom I make account to be fully assured of; and unto whom I wish long life and prosperous health to his hearty desire. So with my hearty commendations,
I cease,

A.D. 1569. vil's Memoirs. When the duke wrote this letter to the regent, Elizabeth had, to appearance, so high an opinion of Murray, that she had sent Middlemore to counsel and assist him in his affairs (though by that she might only mean that he should be a spy upon his conduct), and had thanked lord Hunfdon for the good offices he had done Murray against the borderers. That nothing may be wanting to convince the reader how uninformed our historians, but above all the writer of Melvil's Memoirs, have been, with regard to the transactions of this period, I have, in the notes, inserted another letter * from Cecil to Drury,

I cease, at this present, for no further molestations to your good lordship.

From my house in London, the first day of July,

Your faithful and most assured friend to his power."

Postscript.

I have heard you have been in the north parts of Scotland, and doubt not but you have satisfied the request I made for the bishop of Ross, and have caused his servants be obeyed of benefices; and what is left undone, I pray you effectually cause it to be furthered. He hath the queen of England's letter directed to you for that effect; but trusts that my request shall make him be obeyed ere the other come to your hands, whereunto you shall do me singular pleasure."

* " Sir, since my last letter, whereby I signified to you the queen's majesty's desire to have spoken with you, her majesty hath willed me to write to you in this sort following: That she would gladly you should tarry no longer from repairing to Berwick, than necessity shall move you; and that at your arrival there, you shall give the earl of Murray to understand by your own speech, or by writing, that the queen's majesty hath, of late, found it very strange to hear it affirmed very plainly and credibly, that he should at his being here, and since his departure, by his servant John Wood, motion and earnestly labour

A. D. 1569.

Drury, the marshal or governor of Berwick, who was his creature and confident. In this letter the reader will see, that Drury was ordered to talk with Murray in the severest terms upon his, and his secretary Wood's, having favoured the match with Norfolk without Elizabeth's knowledge or approbation. We may therefore, upon the whole, venture to say, that Elizabeth had received no certain intelligence of the marriage before this summer. But I am now to attend the affairs of Scotland.

Whatever good opinion Norfolk might be inclined to have of the regent, yet the severe proceedings of the latter against Mary's friends were highly complained of by the bishop of Ross; and Elizabeth dissembling all knowledge of the match between Mary and Norfolk, appeared to be so well disposed towards Mary re-

Lord Boyd
sent to
Scotland,

bour to compass the marriage of the Scottish queen with the duke of Norfolk; whereof neither he himself, nor any of his, did ever notify the same to her majesty. And howsoever he shall be induced to think hereof, her majesty willeth, that he never shall find her so weak in this so great a cause, as to suffer this to proceed, being so attempted without her privy. And if he have not been a first beginner, nor labourer herein, her majesty would directly know the truth, and his knowledge in the same. For she thinketh it reasonable for him to deal plainly with her majesty, considering she hath, in all his causes, dealt so favourably towards him. And if he shall appear to her majesty not faulty herein, he shall hold himself assured of the continuance of her favours. These, and a much longer speech, with some vehemency, her majesty commanded me to advertise you; adding, that she was assured you would herein shew your faithfulness to her majesty. I perceive her majesty is as much offended with the manner of the compassing hereof, as with the matter itself."

A. D. 1569.

Spotswood.

covering her liberty, that she agreed to send a letter to Murray by the lord Boyd (whom Mary was, at the same time, dispatching into Scotland to prevent Murray's persecution of her friends), proposing the terms of Mary's deliverance. The lord Boyd met with Murray at Elgin, and put Elizabeth's letter into his hand. It contained in substance, that Mary "should either be absolutely restored to her royal dignity, or be associated in the government with her son, and in all letters, and public acts, honoured with the title of a queen; the administration of affairs continuing in the regent's hands till the king should be seventeen years of age; or if none of these could be granted, that she might be permitted to return unto her country, and live a private life, having honourable means appointed for her entertainment. The queen of Scots desired that judges should be appointed for cognising the lawfulness of her marriage with Bothwell; and if the same was found contracted against the laws, it might be declared null, and she made free to marry where she pleased."

with letters
from both
queens and
Throgmorton.

Spotswood.

It is certain, that both Elizabeth and Mary's letters were delivered to the regent, before he had made his great discoveries of Norfolk's intended match. The lord Boyd, at the same time, delivered to the regent a letter from Sir Nicholas Throgmorton, who was the great agent on the part of the English nobility for the

A.D. 1569.

the match, acquainting him of its being concluded, and advising him, as his friend, to agree to it immediately and with a good grace, lest Mary and the duke should think that his consent was extorted. He likewise advised him to send Maitland up to England, as being the only statesman he could trust for settling the terms of his and his party's security. The conclusion of Throgmorton's letter is very remarkable, and shews how sanguine that great minister was as to the marriage: "No man's friendship (says he) will be more embraced than yours, no man's estimation be greater, if you shall conform yourself, and concur with your friends in this: contrariwise, if you understand, or become an adverse party, you will be so encumbered both from hence, from thence, and all other places, as no man can advise you what to do. Therefore God send you to direct your course for the best."

This letter to the regent was accompanied by one from Sir Nicholas to Maitland, desiring him to make all the haste he could to the court of England, he being the most proper minister that could be employed for opening the match to Elizabeth, who was still ignorant of the same. He then intimates, that it was so strongly supported by the earls of Arundel, Pembroke, Leicester, Bedford, Shrewsbury, and the rest of the wisest, noblest, ablest, and mightiest noblemen of England, that it

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was held assured Elizabeth would consent to it for her own security, and the happiness of her people; but that it still was to be understood, nothing was to be done but by her consent. He then expatiated upon the danger, as Elizabeth shewed no inclination for a husband, of her next heir the queen of Scots marrying a foreign prince; and how eligible it was, that she would make the duke of Norfolk, who was a popular English nobleman, and a protestant, her husband; and that if the young king of Scotland should live to be of age, that he might marry the duke's daughter.

A conven-
tion of
estates.

The regent having read his letters, which he received in June, appointed a convention of the estates of Scotland to meet in July. In the mean while, he told lord Boyd, that if Mary was in earnest for a divorce, she might write to the king of Denmark to do justice upon Bothwell, which would save her the trouble of a tedious process for a divorce in Scotland. Upon the meeting of the estates at Perth, it was no wonder if great debates arose. Elizabeth had, again and again, promised both in public and private, that if she found Mary to be guilty of her husband's murder, she never would consent to her being re-instated in the royal dignity. Her consent therefore, at this time, to such a restitution, was a manifest evidence that she did not believe her guilty; or, in other words, that the silver-box papers were forged.

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forged. The regent's party's interest in the assembly, was however so great, that it was resolved to support the infant king's authority, and consequently to reject the proposal for Mary's restoration. The second proposal was rejected, as being dangerous and impracticable; and Murray was afraid of opposing the third, which met with general approbation. We are told, however, that he secretly did all in his power to render it abortive. Mary's request came next under deliberation; and to the amazement of all unprejudiced persons, her divorce from Bothwell was opposed by the very men who before had been so clamorous for an eternal separation between them. Upon the whole, nothing decisive was done in this convention, and the regent was contented with sending an account of the debates to Elizabeth by his secretary Wood, whom she received with great coldness, because she was now fully convinced of Murray being concerned in the match, and that Wood was his agent.

Elizabeth had now, by the bold resolute manner in which she declared herself against the match, struck so effectual a terror into Leicester, that either in a pretended or real fit of sickness, he made an ample discovery to Elizabeth of all he knew of the matter, and of all the noblemen who had favoured it. This discovery produced the peremptory letter sent by

Proceedings
upon Nor-
folk's mar-
riage.

A.D. 1569. by Cecil to Drury, which we have already seen; and another to the same purpose was sent by Cecil to the lord Hunsdon, Elizabeth's kinsman. When he received it the regent was at Kelso, employed in suppressing outlaws and settling the borders. Upon his meeting with lord Hunsdon, and being taxed with his knowledge of the marriage, he endeavoured to excuse himself; but owned he had told the duke of Norfolk, that if Mary was divorced from Bothwell, or if he was executed, he would give his consent for her marriage with the duke.

Maitland
sent prisoner
to Edin-
burgh.

Notwithstanding what passed between the regent and the lord Hunsdon, there is reason to believe, that the former more than suspected the discoveries that had been made to Elizabeth; and thereby perceived himself to be on the brink of ruin by the loss of her friendship. He therefore agreed to give her an ample proof of his repentance by sacrificing to her, his friend and intimate, Maitland. Crawford, servant to Lenox, and the same who had been examined by the commissioners against Mary, was employed upon this occasion; because the regent did not chuse, if he could possibly avoid it, to appear openly against a man who was possessed of all his secrets. Upon a meeting of the council, Crawford applied for immediate admittance into the room at Stirling, where he directly accused Maitland with
being

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being accessory to Darnley's murder, and desired that he might be ordered into close confinement. Maitland had for some time before this suspected the regent not to be his friend, and he behaved towards him with great shyness; but trusting to his own interest, he had been prevailed upon, though with some difficulty, to attend the council. The board seemed to be astonished at Crawford's charge; but Maitland himself behaved with great intrepidity and presence of mind, and demanded to be admitted to bail*. This was opposed by the prosecutor; and with a seeming reluctance on the part of Murray, he was sent prisoner, under a guard, to Edinburgh. Sir James Balfour, the same who had been governor of the castle of Edinburgh, and his brother were likewise committed to the castle of Stirling.

The regent made a great merit with Elizabeth of this vigorous proceeding; and there is no room to doubt that he sent her an ample discovery of all he knew relating to the marriage. So many informations as Elizabeth now received, determined her to proceed with more rigour (if not barbarity) than ever towards Mary. She suspected the earl of Shrewsbury, her head keeper, as being too favourable

Barbarous
treatment
of Mary,

* I have inserted into the narrative of this transaction some part of the account given of it by the author of Melvil's Memoirs, because it is not inconsistent with Crawford's MSS. which I look upon to be a much better authority.

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to her cause; and she knew the connection there was between the duke of Norfolk and the lord Scroop. She therefore joined the earl of Huntingdon, whom Mary considered as her most determined enemy in England, in commission with the earl of Shrewsbury, on pretence of the latter's ill state of health, to take the custody of Mary. In the letter she writes to the earl of Huntingdon, she makes a kind of an apology for ordering him to take charge of Mary in another person's house; but desires him to carry with him some of his most trusty servants, because she apprehended an attempt would be made for Mary's escape. "We would have you also, (continues her letter) after conference with our said cousin of Shrewsbury, to devise how the number of the queen of Scots train might be diminished, and reduced only to thirty persons of all sorts, as was ordered, but, as we perceive, too much enlarged of late time. You shall also jointly with the earl of Shrewsbury, give order, that no such common resort be to the queen, as hath been; nor that she have such liberty to send posts as she hath done, to the great burden of our poor subjects: and if she shall have any special cause to send us, then you shall so permit her servant with the warrant of your hand; and none to come otherwise." The close of her letter is as follows: "After we had considered of some part of the pre-

mises,

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mises, we thought, in this sort, to alter part thereof. We will that no person shall be suffered to come from the queen of Scots with any message or letter: but if she will write to us, you shall offer to send the same by one of yours. And so we will you to do; for our meaning is, that for a season she shall neither send, nor receive any message or letters without our knowledge."

Thus Mary, while she was flattering herself with the hopes of immediate deliverance from her prison, was treated as the vilest of self-condemned criminals. She had been often heard to mention the earl of Huntington's name with horror, on account of his connections with the Grey family; and she more than once expressed her apprehensions, that she had been removed to Tutbury, which was in his neighbourhood, that he might have an opportunity to take away her life. When he arrived at Tutbury, the earl of Shrewsbury could not conceal his indignation at having him appointed for his coadjutor. Huntington expressed his uneasiness on that account in a letter to Cecil; and plainly charged the earl of Shrewsbury with favouring Mary too much, and with being too remiss in the exercise of his office as a jailer. The truth is, while Mary was at Tutbury, she had held an uninterrupted correspondence with the duke of Norfolk, by the agency of his servant Liggon, and one

who receives a new keeper.

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Cavendish, who had been recommended to her by the earl of Leicester. This had come to Elizabeth's ears, probably by Leicester's own information. The two noblemen were ordered by Elizabeth to make strict search for the letter, which had been written to her by the earls of Pembroke and Leicester, and which was in the latter's hand-writing, together with all the other papers relating to her marriage. They accordingly, with a behaviour equally unmanly as unmannerly, rummaged all Mary's cabinets and coffers, but to no purpose; for her intelligence was so good, that she had destroyed all the papers they wanted.

Elizabeth's
instructions
to Cary.

Before Elizabeth received from Murray the packet, which contained all he knew concerning the marriage, she had repented of the proposal which she had sent him, and which had been adopted by the Scotch parliament; for she dispatched her kinsman, Henry Cary, to Scotland, with a new set of very extraordinary instructions, and which were calculated for either keeping Mary a perpetual prisoner, or for putting into Elizabeth's hands the chief of the Scotch nobility, on the ridiculous pretext of their being detained in England as hostages for Mary's safety in Scotland. Cary was ordered to acquaint the regent that his mistress could no longer avoid coming to a final resolution with regard to Mary. Her demands,

mands, therefore, were as follow: "First, That three earls and three lords of parliament should be given as hostages that Mary should live her natural life, without any sinister means to shorten the same. The earls and the lords were to be selected from the following list: the earls of Angus, the earl of Crawford, the earl of Mar, the earl of Cassils, the earl of Buchan, and the earl of Monteith: and for the barons and lords of parliament, it were meet that some of these were, the lord Hume, the lord Lindsay of Byrris, the lord Ruthven, the lord Oliphant, the lord Glamis, the lord Grey, the lord Ogilvie, the lord Semple, the lord Innermeth, the lord Stuart of Ochiltree, and the lord Maxwell. In case an earl could not be had, two lords of parliament, or two heirs apparent of earls, were to supply his place. Secondly, That these hostages remain in England upon the charges of the crown of Scotland, and that Mary should enjoy the estate granted her by that parliament. Thirdly, That the regent should, laying aside all pretence of sending any person to treat with her (Elizabeth), instantly send an answer under his hand and seal, and those of his friends, to her demands; and likewise a full account of all he knew concerning Norfolk's marriage."

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The regent found himself now beset with so many difficulties, not knowing upon what terms he stood with Elizabeth, that he became

Variance
between the
regent and
Kirkaldy.

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suspicious, distrustful, and (what he was not naturally inclined to be) cruel. The sacrifice of Maitland, who had been the main adviser of the proposed marriage, he thought would be an atonement for him with Elizabeth; but he found some difficulty in bringing him and Balfour to the block, on account of Kirkaldy, who was in possession of Edinburgh castle, and Maitland's declared friend. The baron of Down, to whom he had opened his intention of displacing Kirkaldy, put the latter upon his guard. It was some time before Kirkaldy would give credit to Down's information, because the regent solemnly protested that he had no hand in the commitment of Maitland; and that if Kirkaldy would suspend his judgment, he would soon be undeceived. Those assurances did not satisfy Kirkaldy, especially after a process was issued out against the two prisoners for trying them capitally. At first Kirkaldy insisted upon the earl of Morton and Mr. Archibald Douglas being tried likewise. Failing in this demand, he and lord Herries openly accused Morton and Douglas of being art and part in the late king's death; and to prove the charge, Herries offered to fight Morton, and Kirkaldy, Douglas. The regent still wanted to pacify matters with a view of getting Kirkaldy into his hands, likewise, so as to cut him off either by law or violence. Kirkaldy was on his guard; and instead of paying Maitland

Maitland a friendly visit, as the regent and Morton hoped, he marched at the head of a strong detachment of his garrison, and rescued Maitland from his prison *. Both Crawford and the writer of Melvil's Memoirs agree, that Morton hired four ruffians to murder Kirkaldy if he had entered Edinburgh unattended.

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Thus Grange had the custody of Mary's three capital friends, the duke of Chatleheraut, the lord Herries, and Maitland. The high opinion which the public had (and with great justice) of Kirkaldy's courage, spirit, and honesty, and the great services he had performed to the regent and his party, joined to the universal deference that was paid to Maitland's accomplishments as a scholar and a statesman, began to cool the affections of many who had joined him, and particularly the lord Hume, who was Morton's declared enemy. The regent, though he was incapable of fear, was susceptible of flattery, and easily resigned himself to the guidance and opinions of others. Morton had all the ill, without any of the good, qualities of the regent. He was cove-

Diffimulation of the regent.

* Spotswood says, that Kirkaldy counterfeited the regent's hand in a warrant which he shewed to the keeper, who immediately delivered up his prisoner to Kirkaldy. Though it is not very material to our history whether Maitland was delivered by force or fraud, yet it is easy to perceive in the archbishop a partiality; probably arising from family obligations and connections with the regent.

tous,

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tous, close, designing, ambitious, and vindictive, to the last degree; and having got a complete ascendancy over the regent, he persuaded him to dissemble till a proper opportunity should present itself of striking the blow he intended. He carried his dissimulation to such excess, that, if we are to believe the writer of Melvil's Memoirs, he paid Maitland and Kirkaldy a visit in the castle. Be that as it will, it is certain that they had an interview together; but the regent's manner was so unlike that open, manly, behaviour which had always distinguished him, that it was easy for the penetrating Maitland to perceive the restraint he was under, and that all was the result of Morton's counsels. But it is now time to return to England.

Mary's intrigues with the duke of Norfolk and the Roman Catholics

Elizabeth had received Wood, who was a low-bred man, with so much disdain, that Pitcairn abbot of Dumfermling, a man of greater consideration, was sent to supply his place. While Pitcairn resided in England, the affair of the marriage took an unfavourable turn, which I shall relate without regard to our former historians, either Scotch or English, because the state-papers of the time supply me with ample materials.

The duke of Norfolk continued to pay his court assiduously to Elizabeth, till he found by her repeating the caution that he should take care upon what pillow he rested his head, and
an

an unusual severity in her behaviour, that he was to expect the worst if he should persist in the purpose of his marriage. Not knowing how to behave, he applied for advice to the earl of Pembroke, and the rest of his friends in London; but they, like himself, had been treated with so much coldness by Elizabeth and her ministers, that each had retired to his country seat, as the duke himself did to Andover, to avoid the impending storm. It was about this time that Elizabeth had not only all her suspicions confirmed, concerning the match, by the regent's information, but had received undoubted intelligence that it had been approved of by the kings of France and Spain, Mary having sent credentials for that purpose by one Borthwick, to her ambassador the archbishop of Glasgow. All this served only to exasperate Elizabeth the more; and she sent Henry Skipwith, one of her most trusty agents, with orders for the earls of Shrewsbury and Huntington, and the viscount Hereford, to provide a body of troops for opposing any attempts that might be made to rescue Mary. She had more reason for this precaution than perhaps she was aware of. While Mary was at Wingfield, the earls of Northumberland and Westmoreland had been tampered with by one Rudolphi, a Florentine merchant, residing for some time in England, and was now the secret agent of the pope, and the

A.D. 1569. the Roman catholic powers, who had given him credit for large sums to be employed in Mary's service. Her other agents in the north were busy at the same time, and met with great success, till a plan of rebellion was concerted between them and the two earls. In the mean time, Leonard Dacres, son to a nobleman of that name, brought to Mary, while she was at Wingfield, a map of England, to shew how practicable it was for him to rescue and carry her to the north. Mary was so generous as to refuse to consent to the rescue, unless it was approved of by the duke of Norfolk, who dissuaded her from it, on account of some personal differences he had with Dacres. The duke, at the same time, would have willingly persuaded her not to trust the earl of Northumberland, because he suspected that that nobleman had some views of matching Mary either into his own family, or with a foreign prince.

threaten a
rebellion.

Northumberland appeared now to be keen for the marriage; and offered, if she would advance him thirty thousand crowns, to carry Mary into the north, where, even if Elizabeth should oppose the marriage, it might be consummated upon honourable terms. The duke was so tender of offending Elizabeth, that he rejected this proposal likewise; at which Mary was so much offended, that she sent Bishop, and other trusty agents, to treat with the two northern

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northern earls unknown to Norfolk, who she said had precluded her from the means of escaping when she might have done it, and still refused to be assisting in her deliverance. We are in the dark as to the means which Mary found out for carrying on so many intrigues, notwithstanding the severe orders that had been given to her two jailers; but it is certain that Elizabeth had but a very imperfect knowledge of the particulars, though she suspected more, perhaps, than the truth. By the intelligence she received from lord Wentworth it appeared, that the duke of Norfolk, while he was in the country, kept company with few or none but profest papists, though he was himself a declared protestant. The duke is likewise accused, by contemporary writers, of the incautious manner in which he lived in the country, and his affecting too much popularity, as if he meant to set Elizabeth at defiance. I am inclined to believe that a great deal of this is true; but indeed the duke had neither spirit nor resolution to support the part he had undertaken. He had always declared, even to his most intimate friends, that he never would marry the queen of Scots without Elizabeth's consent; while, at the same time, he trembled to think that a civil war was now almost unavoidable, through Mary's intrigues in the north; but he still consoled himself that he had, as

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Norfolk is
summoned
to court,
and his
friends are
confined.

yet, committed no overt act of treason against Elizabeth.

After many conflicts in his own mind, he had resolved to throw himself at Elizabeth's feet, when Mr. Fitzgerald (or, as he is called in the dispatches of that time, Mr. Garret) brought him a letter from Elizabeth, ordering him to repair to her at Windsor. This peremptory message, which was delivered on the twenty-first of September, staggered his resolution, and he pretended to be ill of a fever and ague; but promised to attend the court in four days. It appears, in the mean while, he had received from Cecil a severe reprimand, on account of the company he kept; and had been informed that Murray had discovered all he knew concerning the marriage. This added to his terror; and instead of repairing, as he had promised, to Windsor, he went to Kenninghale, one of his country seats; upon which Elizabeth sent him a sharp letter, commanding him, upon his allegiance, without pleading any manner of excuse, to repair to her court. She sent the like summons to the earl of Arundel and lord Lumley, two of Norfolk's most intimate friends, and ordered both of them to be confined to their houses. Elizabeth then proceeded, though with great caution, for fear of rendering the duke desperate, as if she had been on the eve of a rebellion.

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lion. A letter was directed by the council to several counties, acquainting the people and the justices that no harm was meant to the duke of Norfolk; that he was ordered only to attend the court, because the queen disapproved of the proposed marriage; and that she knew nothing of him inconsistent with the character of an honourable person, and a loyal subject. Along with this proclamation, orders were dispatched by Elizabeth to lord Wentworth, that he should send the duke of Norfolk even in a litter, whatever his state of health might be; while Cecil, to render him less shy, privately informed him, by writing, that Elizabeth intended to inflict upon him no greater censure than that of confining him, as she had the two other lords, to his own house. Both of them, in the mean time, were examined, as was the earl of Pembroke; and in their answers all of them agreed, that they never meant to prosecute the affair of the marriage farther than as they found it agreeable to Elizabeth's good pleasure. During the course of this examination, however, it came out, that the lord Lumley had been in company with Mary's and the Spanish ambassadors; for which he was sent prisoner to the Tower. Some fresh advices which Elizabeth received from the regent, determined her to order Fitzgerald to arrest the duke of Norfolk, who was set out for Windsor, at Ux-

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bridge, and to carry him to a gentleman's house at Burnham. The duke had so little idea of his situation, that he had already sent to bespeak his lodgings at court; and though he had forty horsemen in his company, he quietly submitted to the arrest, though Fitzgerald was not attended by above six or seven persons.

The duke
of Norfolk
arrested and
confined.

While the duke remained at Burnham, Sir Henry Nevil was appointed to take charge of his person, without suffering him to converse with any one, and his principal servants were arrested likewise. Some unfavourable circumstances appearing in the duke's examination, Sir Henry Nevil and Sir Francis Knolles were ordered to carry him a close prisoner to the Tower of London. Elizabeth's indignation next fell upon Sir Nicholas Throgmorton, who underwent, on the tenth of October, an examination before the lord-keeper, Sir Ralph Sadler, and Sir Walter Mildmay. Throgmorton prevaricated in his examination, if the letters ascribed to him by archbishop Spotswood are genuine; for he says, that he wrote nothing to Murray expressly concerning the matter of the marriage. It is almost incredible with what assiduity and diligence Elizabeth and her ministers continued their examinations of all that were concerned in this affair; and if they were collected, they would amount to a large volume.

The

The public of England were thrown into the utmost consternation at the severe treatment of the duke of Norfolk, and the unfair means that had been employed to entrap him. Mary's agents in the north of England had been so successful, that her friends there were ripe for a revolt, and actually appeared in arms in small parties. The earl of Suffex, who continued lord-president, kept a careful eye over the insurgents; and about the beginning of October he had drawn together a body of men; but he dismissed them, as no violence had been offered. About the middle of the same month, the lord Willoughby discovered that a number of people were in arms at a place called Kirbymore-side; upon which, the earl of Suffex received fresh orders to assemble his forces, and to watch the motions of the earls of Northumberland and Westmoreland, who were, at this time, actually in treaty with the duke of Alva, the Spanish general in the Low Countries. Large sums had gone through this duke's hands for the use of Mary's friends in England and Scotland; and he had agreed to throw over a body of men into England, as soon as it was known that Mary's friends were in arms in the north.

The earls of Northumberland and Westmoreland seem to have been very weak men, and so much under the power of priests as not to regard their most solemn protestations.

When

A. D. 1569.

Rifings in
the north
of England,

where an
actual re-
bellion
breaks out.

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When the earl of Suffex taxed them with their rebellious designs, they denied them in such a manner that they convinced him of their innocence; and he dismissed them, with leave to enquire into the authors of the slanders that had been raised against them. He even recommended them to Elizabeth's favour; but their practices now became so notorious, that she ordered the earl of Suffex to command their attendance upon her person. When Suffex intimated this order to the two earls, Northumberland, presuming upon his great rank and family, retired to Topcliff, to the disappointment of Elizabeth, who reprimanded the earl of Suffex for suffering him to escape. From Topcliff, Northumberland removed to Harlesley, where he consulted, in the open fields, (the state-papers say under a hedge) with the earl of Westmoreland, Leonard Dacres, and other chiefs of the conspiracy. They then went to Branspeth, where they met with a messenger from Mary, promising them greater assistances both in men and money; but desiring them, at the same time, to defer their rising, and only keep themselves in readiness.

This message was occasioned partly by the slowness of the duke of Alva's motions, and partly by Norfolk's danger. Vitelli, a Spanish officer of rank, had been sent over on pretence of regulating some commercial differences between his master and Elizabeth; but,

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but, in reality, to command the troops that were to be sent to assist the northern rebels: and La Motte, the governor of Dunkirk, was, at this time, in the habit of a common sailor, actually founding the ports where they were to land. One Havers was soon after sent by the duke of Norfolk to dissuade the northern noblemen from rising at that time, because they might endanger his head. Havers came too late; for the signals of rebellion were then published, by ringing the bells backward, all over the north of England; and the two noblemen emitted a manifesto, which the reader will find in the note, and I believe never has been seen by any of Mary's historians *.

* "Whereas it hath been by the sinister and wicked reports of fundry malicious persons, enemies both to God's word, and the public estate of this commonwealth, devised and published, that the assembly of these noblemen, the earls of Northumberland and Westmoreland, with fundry of the greatest worship and credit in this part of the realm, is, and hath been, to the overthrow of the commonwealth and the crown; it was therefore thought good, to the earls and their council, to signify to all and every of the queen's majesty's subjects, the true and sincere meaning of the said earls, their friends and allies.

"Know ye, therefore, that whereas of late it hath been faithfully and deliberately considered and devised, by the right high and mighty prince Thomas duke of Norfolk, Henry earl of Arundel, William earl of Pembroke, together with the said earls of Northumberland and Westmoreland, and divers others of the ancient nobility of this realm, with the common consent of fundry the principal favourers of God's word; and the same, as well for the avoiding of bloodshed, and utter subversion of the commonwealth, as the reforming of certain disorders, crept in by the abuse and malicious practices of fundry wicked and evil-disposed persons; to make manifest and known to all manner of men, to whom, of mere right, the true succession of the crown

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The rebels, before this manifesto was published, had invited the earl of Derby and the lord Monteagle to join them; but they sent their letters to Elizabeth, who ordered transcripts of the manifesto to be sent to the duke of Norfolk, and the other noblemen mentioned in it. All of them purged themselves in the most solemn manner of having any concern with the rebels. Elizabeth then applied herself to the suppression of the rebellion, in a manner which gives us a high opinion of her genius. She pitched upon the earl of Suffex to be her general, though she knew that he secretly favoured Mary's cause; and she sent a

crown appertaineth, dangerously and uncertainly depending, by reason of many titles and interests pretended to the same: the which godly, good, and honourable meaning of the said nobility, hath been sought, by all manner of means, to be prevented, by certain common enemies of this realm about the queen's person; by whose sinister and detestable counsel and practice, well known to us, and to the rest of the nobility, their lives and liberties are now endangered; and daily devices made to apprehend our bodies, the true remain of their virtuous counsel and intent; the which their unjust and ambitious policies and practices can, by no submission on our parts, be avoided, but only by the sword:

"We have, therefore, of just and faithful meaning to the queen's majesty, her commonwealth, and the true successors of the same, assembled ourselves to resist force by force; wherein we commit ourselves (seeing no intercession will help) to the exceeding mercy and goodness of God, and to all true favourers of this realm of England; resolved in ourselves, in this so just and godly enterprize, wholly to adventure lives, lands, and goods: whereunto we heartily crave the true aid and assistance of all faithful favourers of the quietness of the commonwealth, and the ancient nobility of the same. God save the queen and the nobility."

letter

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letter to the earl of Cumberland, whom the infurgents looked upon to be their friend, ordering him to join Suffex. Though Sir Henry Piercy was a papist, and brother to the earl of Northumberland, she distinguished him with the most entire confidence, and promised, notwithstanding his brother's rebellion, to continue him in the estate and honours of his family. Her chief dependence, however, was upon her kinsman, the lord Hunfdon, on whom she bestowed the government of Newcastle, he being before governor of Berwick, together with ample powers to act in what manner he thought proper for her service.

Its progress.

The earl of Suffex appeared extremely uneasy under his new commission. He informed Elizabeth, by a letter, that the two rebel lords had taken arms only on a religious account; that they were easily reclaimable to their duty; and that he was apprehensive the country would not stand by him, if he should proceed to extremities. In short, he hinted that it would be proper to offer a pardon to the earls and their abettors. His letters gave Elizabeth great umbrage; but she was so far from being terrified, that they encreased her resolution to bring the delinquents to punishment. She ordered Suffex to publish to all the world that the rebels intended to bring a foreign power to invade and conquer England. She reprimanded him severely for his

A. D. 1569. apprehensions, and ordered him to secure those whom he suspected, and even to make examples of some, if needful. As to a pardon, Elizabeth refused to grant any to the heads of the rebellion; but impowered Suffex to offer one to the meaner sort, provided they would lay down their arms, and sue for mercy. She commanded him to collect together all his force, and to rendezvouse his men within twelve miles of Branby, by the twenty-first of November; and if he should not then think himself strong enough, to amuse the rebels with propositions, till he could be joined by the lord Hunfdon, and the forces of the counties of Lincoln, Nottingham, Derby, Stafford, Lancashire, and Cheshire. Elizabeth, in the mean while, though she had too much magnanimity to seem to distrust the earl of Suffex, sent down Sir Ralph Sadler, on pretence of assisting him with his great experience; but, in reality, to be a check upon him, and to take care of the army's payment. She, at the same time, appointed the earl of Warwick and the lord-admiral to be lieutenant-generals of her army; and ordered ten thousand foot and about fifteen hundred horse to be raised in the southern counties. Though the earls of Shrewsbury and Huntington offered her their services, and would have been highly useful to her in the field, yet she continued them her trustees for the safety of Mary's person;

person; for after thanking them for their good will, she charged them to look well after the person of her, "whom the world beholdeth to be the principal hidden cause of these troubles."

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The two earls, and some gentlemen of the country, were now in the field, and at the head of about four thousand troops, but without any concert or discipline. Never was any rebellion conducted with less judgment; and it soon appeared, that though the rebels had taken arms on pretence of settling the succession, their real intention was to restore popery, and to plunder the country. They carried the banners of superstition before them, and seemed intent upon abolishing the protestant religion, wherever they came. When they entered Durham, on the thirteenth of November, they defaced all the marks of the national worship in the church, and tore in pieces all the bibles and common-prayer-books they met with. The money which had been sent from abroad, kept up the spirit of the party; and from Durham they marched to Darlington, Rippon, and Boroughbridge, at all which places they restored the mass, and dispersed their manifesto. When they rendezvoused on Clifton-moor, they were two thousand horse, and five thousand foot. After calling a council of war, it was proposed that they should directly march to Tutbury, and deliver Mary; but they dropt that design, when they understood that she had been re-

The rebels
restore po-
pery.

A. D. 1569. moved to Coventry by her two keepers. Fortunately for the rebels, Elizabeth's ill timed frugality, in hopes of being able to disperse them without any expence, put her officers under great difficulties. The country in general favoured Mary's cause; and the common people could not be brought to the field, when winter was so far advanced, to act against the rebels. Upon the generals laying those discouragements before Elizabeth, she found she had no time to lose, and ordered supplies of money and ammunition to be sent down to Leicester and York, where the earl of Suffex and lord Hunsdon were waiting to be joined by the earl of Cumberland, the lord Scroop, and Sir John Foster, warden of the middle marches.

Backward-
ness of Eli-
zabeth's ge-
nerals.

The intention of Elizabeth's generals was, as soon as the junction could be effected, to have marched to Barnard castle, which was held for her by Sir George Bowes; but he was unprovided to make any resistance. The earl of Cumberland and the lord Scroop were then at Carlisle, but took so much time in fortifying that city, that the rebels got the start of the queen's generals; and on the twenty-fourth of November they marched to Barnard castle, which was surrendered to them by the governor. They were now proclaimed traitors by the earl of Suffex; and Elizabeth published a manifesto, setting forth the true motives of the rebellion, and the danger to which the pro-
testant

testant religion was exposed. The rebels, on the other hand, encouraged by their successes and the visible backwardness of Elizabeth's generals, treated that princess as an usurper, and spoke of Mary as being the lawful queen of England. Elizabeth upbraiding the earl of Cumberland and lord Scroop with their inactivity in her service, they pleaded that her orders to them were intercepted by the rebels, and that they could furnish the earl of Suffex, who demanded a thousand horse, with no more than two hundred; and not even them, unless money was paid them in advance.

Elizabeth now found that it would be impracticable to suppress the rebellion by the troops raised in the northern counties alone, and she ordered the earl of Rutland, the lord Hunsdon, who was made general of the horse, the lord Evers, and the lord Willoughby of Parham, with all the men they could raise, to join the earl of Suffex; so that by the fifth of December, by their assistance, and the money sent him, the earl of Suffex was enabled to put his army in motion. In the mean while, Elizabeth ordered her lord admiral (who was very active in Lincolnshire and the southern counties) to send five hundred horse to join Suffex, whose army was likewise increased by the garrison of Barnard castle, which Bowes had brought off upon honourable terms; and Suffex had intelligence that the lord admiral was marching north-

The rebellion suppressed.

A. D. 1569.

A.D. 1569. northward at the head of ten thousand men, well armed and well disciplined. The rebels were then at Hexham, in hourly hopes of hearing that an invasion had taken place in the south; but being disappointed in all their mighty hopes, and finding they were in danger of being exposed to two fires, the two earls, their heads, fled to Naworth castle, and from thence into Scotland.

The meanness and pusillanimity of the two earls made no great impression upon their followers, who imagined that Elizabeth's offer of pardon upon throwing down their arms was still in force; but they were mistaken; for when they surrendered to the royal army, no fewer than sixty-six petty constables, and one Plumtree, a priest, were hanged at Durham. The most obnoxious of their ringleaders were put to death at York and London; and if we are to believe the popish historians of the times, no fewer than eight hundred were executed. Thus ended this very ill-judged insurrection. That Mary knew of it, is more than probable; and her memory has been taxed on that account, but very unjustly, unless it can be proved, that after the treatment she had received from Elizabeth, she was not entitled to employ almost every means for her own deliverance. With regard to the duke of Norfolk, Elizabeth ordered Knolles to shew him the rebellious manifesto; and he most solemnly disclaimed, by a letter

letter to the queen, all concern or connexion with the rebels or their heads. This did him no service, because Elizabeth already knew that he had been tampering with them, from the discoveries which had been made by Murray and Leiceſter. The earls of Pembroke (Elizabeth's ſteward of the houſhold) and Arundel made the like proteſtations, but with a much better grace; ſo that the earl of Pembroke was received into favour, and continued in his office. Every day, however, rendered Elizabeth more jealous of the match between Mary and Norfolk; till at laſt, in an unmanly manner, he diſclaimed all connections with the queen of Scotland, and promiſed that he would marry no woman but with Elizabeth's conſent and approbation.

A. D. 1569.
Dated
Decemb. 3.

In the mean while, the earls of Northumberland and Weſtmoreland were protected by Mary's friends in the ſouth of Scotland, eſpecially the earl of Hume and the baron of Bucleugh. Upon this, the lord Huſdon wrote a letter to the regent in ſuch terms, that the earl of Northumberland was apprehended and confined to the priſon of Lochlevin; but the earl of Weſtmoreland eſcaped to Mary's party; and though he was often demanded by Elizabeth, he was by them protected and employed. Crawford ſays, that the regent raiſed ſome troops, and marched them to the borders, where the Elliots (a clan of borderers) ſheltered Northumberland till

1570.
The earl of
Northum-
land made
priſoner in
Scotland.

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till they could convey him in safety to Dunbarton castle; but that Murray suddenly surrounded the house where the earl was; and that though the Elliots behaved very bravely, and killed one of the regent's captains, he was made prisoner.

Rebellion of
Leonard
Dacres.

The severity with which Elizabeth had suppressed the late rebellion, produced another in England. Leonard Dacres, whom I have already mentioned, was second son of lord Dacres of Gillelland; but the estate had gone to his elder brother's daughters. He was in his person deformed, but active, cunning, and vindictive. His credit in the north of England, by his being the heir male of that great family, was so considerable, that he forcibly kept possession of part of his father's estate, at which Elizabeth winked. She even received him well at her court; and upon the breaking out of the rebellion, she not only gave him a commission to fortify Naworth castle, but a command in her army that was to act against the rebels. He was no sooner possessed of this commission, than he applied to Vitelli, whom I have already mentioned, and offered his service to his master the king of Spain; promising, if he was supplied with money, to turn Elizabeth's commission against herself, by raising men for the rebels. Vitelli gave him all the encouragement he desired; and when he returned northwards, he promised the two earls to surprise Carlisle, murder its bishop, and

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and cut off the body of troops under the lord Scroop. After he was disappointed in his attempt upon Carlisle, by its being fortified, he took possession of the castles of Naworth and Grey-flock; and, in Mary's name, he recommended the two rebel English lords to her friends in Scotland. In all probability, Dacres would have proceeded no farther, had it not been for the severity of Sir George Bowes, who exercised, as marshal of Elizabeth's army, great severities upon all the rebels who fell into his hands, which, in a manner, obliged the others to remain in arms; and Dacres thereby saw himself at the head of three thousand men. His headquarters were at Naworth, when the lord Hunsdon received orders from Elizabeth to attack him with eight hundred horse, and a detachment of the garrison of Berwick. Hunsdon perceiving himself so much inferior in numbers, made a feint of marching towards Carlisle; and this induced Dacres to divide his force and take possession of a marsh, through which the river Gwelt ran, with fifteen hundred foot and six hundred horse, who are said to have been mostly Scots. Notwithstanding the advantageous situation of the rebels, they were so bravely attacked by the lord Hunsdon and Sir John Foster, that they were entirely routed, and four hundred of them killed, Dacres himself flying to Scotland; but Elizabeth wisely

Suppressed.

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countermanded the severities that had been practised after the late rebellion.

Elizabeth
excommu-
nicated.

It is to be presumed that Lesley was very active in those public commotions, though only a general mention is made of them in a curious relation of his life, that was presented to the pope and the king of Spain, and supposed to have been written by himself. From that performance, however, we learn that he was extremely active in serving his mistress; and had great credit at the court of England, on account of the party he had formed among the foreign ambassadors and the Roman catholic peers. All the money raised for Mary and her friends, went through his hands. The earl of Westmoreland was allowed sixty crowns a month for subsistence, the countess of Northumberland had as much, Dacres forty, and the other gentlemen in proportion. When England, by the defeat of those rebellions, was recovering tranquility, pope Pius the fifth fulminated the declaratory sentence against Elizabeth, by which she was excommunicated; all her subjects were absolved from their oath of allegiance, and every other duty they owed her; and all who obeyed her thenceforward were included in the same curse. This proceeding of the haughty pontiff, served only to encrease the severities which Elizabeth inflicted upon Mary and her party. By Cecil's persuasions, she advanced a considerable sum to the French protestants; and resolved

solved to raise a body of light horse, to be employed under the earl of Suffex, in Scotland, for the support of the regent, whom Elizabeth now favoured more than ever, for having imprisoned the earl of Northumberland. In proportion as Murray was elated by the magnificent promises of Elizabeth, Mary's friends were encouraged by the courts of France and Spain, who assured them that no time should be lost in sending them succours. They were favoured likewise by the growing tyranny of Murray, which rendered him excessively unpopular; and his love for adulation made him even contemptible in the sight of his own creatures. Maitland pressed eagerly for a trial, which the regent deferred on various pretences. The queen's party exclaimed against this injustice, and assembled in such numbers, that the regent thought proper to retire to Stirling. In short, a civil war was on the point of raging in Scotland with more fury than ever, when the regent fell a sacrifice to the revenge of his enemies.

While Mary's friends were in daily expectation of a landing, either in England or Scotland, in their favour, Hamilton of Bothwellhaugh, whom I have already mentioned, was watching every opportunity for assassinating the regent; and had been twice disappointed, once at Glasgow, and another time at Stirling, in perpetrating his purpose. According to the

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Elizabeth
State of af-
fairs in
Scotland,

where the
regent is
murdered.

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best accounts we have, Hamilton's provocations were of the most aggravating kind. Being remarkably attached to his clan, it is said he would have been hanged when a prisoner at the battle of Langside, had he not made his escape. His estate however was forfeited; but his wife, who was the heiress of Woodhouselye, not thinking that his forfeiture could affect her birthright, was living upon her own estate, when the regent made a present of it to one of his favourites, Sir John Ballentine, and sent his officers to take possession of her house; which they not only did, but turned her naked out of doors in a cold dark night, and at day-break she was found in the fields deprived of her senses, which she never recovered. This barbarity incensed Hamilton so much, that he made no secret of his being determined to assassinate the regent wherever he met him; but so careless were Murray's friends of his safety, that he was suffered to go at large from place to place. It is even said, that the regent had intelligence on the morning of the day in which he was assassinated, of Hamilton's being at Linlithgow for that purpose; but he disregarded it so far, that he resolved to ride publicly through the streets of the town. Hamilton was then in a wooden gallery that fronted the high street of Linlithgow, and had taken all imaginable precautions not to be disappointed of his aim. He accordingly shot
the

the regent through the body as he was slowly passing by the gallery; and marching out at a back-door, he mounted his horse, which was ready saddled, and was suffered to escape without any pursuit †. A. D. 1570.

Thus fell the regent earl of Murray, whose character has been variously represented, and was in itself inconsistent. His virtues may be said to have been occasional; but ambition seems to have been predominant in his nature. He was open, intrepid, and honest, before he was flattered with a prospect of the regency; but no sooner did that present itself to his view, than he suited all those virtues to exigencies.

His character.

† "He posted himself in a wooden gallery that fronted the high-street of the town, through which he knew the regent must of necessity pass, and where it was almost impossible he could miss his aim. On the floor he placed a large feather-bed, that his feet might not be heard, when he walked to and fro; and opposite to the windows, on the inside of the room, hung up some black cloaths to conceal his shadow. His next care was, to cut out an hole with his knife, a little below the lattice, and just enough to receive his fusée. To compleat his security by the easiness of his flight, he narrowly viewed the back-way into the house, where finding the gate too low for a man on horseback, with the assistance of his servant he removed the lintel, and kept his horse in the stable ready bridled and saddled. Having thus prepared all things, the regent, as if he had designed to meet death half-way, and oblige his murderer, mounts his horse; and the street being narrow, and crowded with the common people, past very slowly by, or rather indeed stood still, before the gallery, from whence the assassin, having marked for his belt, shot him through the body with a single bullet, a little below the navel; and getting suddenly on horseback, though closely pursued by some of the regent's company, escaped to Hamilton, and shortly afterwards from thence to France, where he lived some years." See Crawford's Memoirs, p. 124, 125.

Though

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Though almost an enthusiast in the protestant religion, yet, when he was his sister's first minister, he shewed himself more inclined to the toleration of popery than the rigid Reformers approved of; and he even broke with them upon that head. His ingratitude to Mary, his barbarous unmanly treatment of her, and the infamous arts by which he wrought her destruction, can admit of no apology. He could stoop from that gallant candour which he generally affected, to serve a political view; and, tho' a profest advocate for the independency of his country, he was contented to hold his regency as viceroy to Elizabeth, or rather as the substitute of Cecil. The preferment and encouragement he gave to his tutor Buchanan, who prostituted his elegant pen to the defence of his person and party, has ranked him, in history, among the patrons of learned men; but I cannot plainly perceive any other title he had to that character. He is praised with more justice for his liberality to his friends; but even that quality receives some alloy from the consideration that he could not otherwise support his party. It is plain from the alteration of his behaviour towards the end of his life, that a great deal of dissimulation and affectation were mingled with his virtues (if he had any), and that they rested upon no solid foundation. Even his accomplishments as a statesman are extremely questionable, when we reflect on the

fway

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sway which Maitland and Morton bore over all his political conduct. His duplicity towards Elizabeth in the affair of Norfolk's marriage, had almost ruined him; and his whole behaviour in that affair was weak to the last degree, when he recovered Elizabeth's good graces, by his basely sacrificing to her his honour and gratitude. His true merit and strength appear to have been the management of parties in Scotland, in which he was perfectly successful by the great knowledge he had acquired of their dispositions and interests. But I must now return to the unhappy Mary.

For some time before the regent's death, Elizabeth began to consider Mary's detention in England as being inconsistent with her own safety; and she actually entered into a treaty with the regent for delivering up her person to his custody, upon condition of the earl of Northumberland and her other rebels being put into her hands. There is great reason to believe that Elizabeth would certainly have carried her design into execution, had not the bishop of Ross formed a strong party among the foreign ministers, and remonstrated upon the infamy of the measure, which was the same as giving Mary up to certain death. It is however not at all improbable, that Murray would have carried his point, had not his death intervened. Mary thus remained still at Coventry, and the duke of Norfolk a prisoner in the Tower,

Treaty about Mary's person.

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Tower, where he underwent several examinations; but he made no material discoveries. The regent, some time before his death, suspecting that the bishop of Ross had thwarted his negociation with Elizabeth, sent up to her a paper which he pretended to be the confession of the earl of Northumberland, accusing the bishop of having fomented the two late rebellions in England. I am inclined to believe that this charge was not without foundation; and Elizabeth very properly consulted civilians how far the bishop was to be considered as the ambassador of a sovereign prince, in which light he had hitherto appeared at her court; and whether he might not, by the law of nations, and the civil law, be punished as a traitor, if it was found that he had procured an insurrection or rebellion in the country where he resided as ambassador. To this the civilians answered in the affirmative. Another interrogatory was, "Whether, if the prince be deposed by the common authority of the realm, and another elected and invested of that crown, the solicitor or doer of his causes, and for his aid (although the other prince do suffer such one to be in his realm) is to be accounted an ambassador, or to enjoy the privilege of an ambassador?" The answer of the civilians to this question was, "To this we do think, that the solicitor of a prince lawfully deposed, and another being invested in his place, cannot have the

The bishop of Ross denied the privilege of an ambassador.

Murden's State Papers, p. 18.

the privileges of an ambassador; for that none but princes, and such others as have sovereignty, may have ambassadors." A. D. 1570

Those and other questions of the like tendency being by the civilians answered to Elizabeth's satisfaction, she resolved to use very little ceremony towards the bishop. He was therefore, on the 14th of May, committed to the custody of the bishop of Ely, and then carried to London, where that prelate took charge of him. His confinement, at first, was but slight; for he was permitted to present memorials, and exercise other functions of an ambassador. As to Mary, her condition at this time is pretty unaccountable; for notwithstanding the strict orders her jailors had received, we find her engaged in the most extensive correspondences and intrigues, and in forming machinations which endangered not only Elizabeth's crown, but the quiet of all Europe. We can account no otherwise for those circumstances, than by supposing that the ample remittances she received from abroad had softened, if not her principal jailors, those who had the most immediate charge of her person. She even found means to correspond with Norfolk, while he was a prisoner in the Tower, by sending him letters corked up in stone and other bottles; and she gave such intelligence to her party in Scotland, as prevented the castle of Dumbarton from falling into the hands

Mary's application to business.

The bishop of Ely, who was permitted the privilege of an ambassador.

A. D. 1570. of her enemies. Soon after one Verac, a French agent, arrived in Scotland with letters and money for the use of her party. It is said, that when she heard of the regent's death, she expressed with tears her sorrow for his being cut off before he had expiated his sins towards her and his country.

Elizabeth sends Randolph as her ambassador into Scotland.

Mary's friends in Scotland were now so much elated by the countenance they had received from abroad, that they were actually in arms upon the borders, where the Carrs and the Scots, under the barons of Farnihurst and Buccleugh, made daily inroads into England, from whence they brought abundance of plunder. Though Elizabeth was greatly exasperated at those hostilities, yet she was too politic to make the quarrel national; and under pretence of enabling the council of Scotland to reduce the robbers upon the borders, she published a manifesto, declaring that she was resolved to send a body of troops, under the earl of Suffex, for that purpose; but with an "assurance of her intention of continuing in peace with the crown and quiet subjects of that realm." By this time, the earl of Lenox and his countess petitioned Elizabeth to take compassion upon the orphan king of Scotland, by affording him her protection, and giving orders for his being carried into England. Elizabeth would gladly have complied with their request, had it been practicable; but she did what

Strype's
Annals,

vol. i. p. 613.

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what she could. She dispatched her trusty servant Randolph to manage parties in Scotland, which he did with great address. He found the council sitting there, and the earl of Morton its president; and being admitted to an audience, he repeated the substance of what he had in charge from Elizabeth, and which contained little more than was expressed in her manifesto.

The council heard Randolph with great temper; but told him by the mouth of Morton, their president, that the uncertain state of affairs did not admit of their coming immediately to any positive resolution, especially with regard to the borderers, or their giving up the person of the earl of Northumberland, the earl of Westmoreland being engaged at that time in carrying on hostilities on the borders against his own countrymen. Upon the whole it appeared, that the general sense of the council was against making any terms with Elizabeth. This agreed exactly with her views; for she had not only furnished Randolph with money to gratify her assured friends in Scotland, but she instructed him to continue there as long as he had any prospect of making divisions in their council, in which he succeeded perfectly well; so that he did not insist upon any peremptory answer for the present. In the mean time, Elizabeth had cast her eyes upon the earl of Lenox, as the most proper person

Success of
his embassy,

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to be regent of Scotland; and he had been brought by the earl of Suffex to Berwick, which was the place of rendezvous for the English army. Mary's friends, both in England and Scotland, considered this step as having been suggested to Elizabeth by Morton, and the remains of Murray's party. To take from Elizabeth all pretext for invading Scotland, which they easily saw was in order to fix the earl of Lenox in the regency, the bishop of Ross and the French ambassador undertook that proper redress should be made according to the border laws, and that justice should be done upon the offenders who had broken the peace between the two kingdoms. The Hamiltons and Mary's party in Scotland sent their agent, one Gordon, to confirm this offer under their hands and seals; but he was arrested at Berwick, and his instructions were sent up to the council of England, where they were treated with great disdain.

The English army
under Suffex
ravages
Scotland.

As the opinion of the public was in favour of the earl of Lenox being named to the regency, Mary's friends in Scotland, to avert that blow, if possible, sent Sir James Melvil to Berwick to treat with the earl of Suffex, and to persuade him to lay aside his intended invasion of Scotland, till Elizabeth should be fully informed as to the state of public affairs in that kingdom. Suffex, according to the instructions he had received from Elizabeth, gave
Melvil

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Melvil a friendly reception, and spoke very favourably both of the duke of Norfolk, and Mary's right to the crown of England. Elizabeth had given the like instructions to Randolph, in order to make the breach between the Hamilton and Lenox families irreconcilable; but Throgmorton, who still continued in confinement at his own house, found means to put Mary's friends in Scotland on their guard against all her arts. On the eighteenth of April, the English army under the earl of Suffex was put in motion, and divided itself into two columns, with an intention to take a severe revenge upon Mary's friends on the borders. The first division was commanded by the earl himself, the lord Hunfdon, and Drury marshal of Berwick; and the other by Sir John Foster, warden of the middle marches. The estates of Buccleugh and Farnihurst were their chief objects. The earl of Suffex entered Teviotdale, where he plundered and laid waste the Buccleugh estate, while Sir John Foster demolished all the Farnihurst castles and lands that lay on his march; and both divisions joined together, at last, at Craling. After this junction was formed, they proceeded to Jedburgh, where they were amicably received by the Scotch warden of the middle marches; and before their return to Berwick, they had ravaged a vast compass of territory, and pretended that they had demolished or plundered

above

A. D. 1570. above fifty castles, and three hundred towns and villages. As those castles and towns were many of them very inconsiderable, it is needless to enter into the particulars of this inroad; but it certainly made a considerable impression upon Mary's party.

A meeting
of the
king's party
at Edin-
burgh.

The earl of Morton was not very forward either in opposing or favouring this invasion of the English, because he himself secretly aspired to the regency; but he summoned a convention of the states to meet at Edinburgh on the twelfth of February to chuse a regent. The earl of Argyle, the lords Boyd, Fleming, and Levingston, and other heads of Mary's party, assembled themselves at Hamilton, and, for very obvious reasons, objected to the shortness of the time for the members to repair to the capital from the extreme parts of the kingdom, and at such a season of the year. They therefore required Morton to defer the meeting; and in case of refusal, they threatened to treat him and his friends as traitors, and enemies to the public peace. The king's party, (for so Morton and his friends were now named) without paying any regard to this threatening remonstrance, assembled on the day appointed at Edinburgh, where they published a very remarkable proclamation, importing, "That the regent being killed by one, who, after the bloody deed, had fled to Hamilton, and was there kindly received and har-

harboured for some time; therefore they commanded all the king's good subjects to approve themselves enemies to such as had protected him, and were at present assembled in that town. Certifying those who acted in the contrary, that they should be reputed guilty of the fact, and treated as such with the utmost severity."

Notwithstanding all those appearances of resolution, Morton and his friends found themselves too weak to make him regent; but formed a plan for a coalition of parties, in which Kirkaldy and Maitland were included. The former was in possession of Edinburgh-castle, and declared himself highly in Mary's favour, while the abilities of the latter was to give a sanction to the cause. They therefore drew up a certificate in the following curious terms, which I insert as a proof of the party's consistency. "We undersubscribers convened at Edinburgh, on the fourteenth day of February 1569, do with one voice declare and testify, that none of us know that secretary Lethington is culpable of the late king's murder; and seeing no person whatsoever compears to accuse him of the same, we must esteem him to be innocently calumniated in time past in the said matter, tending to the prejudice of the king's estate, and his true subjects; and therefore acknowledge and recognize him as an honest man, innocent of the said matters whereof

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A meeting
of the
king's
council
at
Edinburgh
Maitland
solemnly
acquitted.

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whereof heretofore he was wrongfully accused, accepting and receiving him in his own place again. Like as we acknowledge him to have been a good and profitable instrument in this commonweal, in divers great causes, for the furthering of God's glory, and the repose and quietness of this his native country." This certificate was signed, "Athol, Morton, Castles, Mar, Glencairn, Montrose, Buchan, Ruthven, Glamis, Lovat, Ochiltree, Methven, Lindsay, Cathcart, Adam bishop of Orkney, the abbots of Dumfermling, Cambuskenneth, Dryburgh, Balmerino, Pittenweem, Murray of Tullibardine the comptroller, and the justice-clerk."

Proceed-
ings of both
parties.

Maitland was at the same time restored to his place of secretary of state; and being set at liberty, as were the duke of Chatleheraut and lord Herries, by Kirkaldy, it was generally thought that the queen's party was now an overmatch for that of the king. Maitland was now considered as the first minister in Scotland; but, as usual, it was difficult for the public to determine to what side he would adhere. That he was in his heart a friend to Mary, cannot be doubted; but he, as well as Kirkaldy, thought that a way might be found to bind up the wounds of the nation, by reconciling the two parties to each other. Their secret views, therefore, were to gain time, by amusing the public with plans of accommodation,

dation. Many meetings were held, in which A. D. 1570.
 Maitland renewed the scheme of a coalition he
 had formerly proposed, for joining the queen
 in the government with her son, and, at the
 same time, governing by a regency, which he
 said ought to consist of the ablest heads of
 both parties, and to be chosen unanimously,
 if possible, by the convention of the
 estates. Morton, who acted as the leader of
 the king's party, was cautious of openly op-
 posing Maitland's plan, because he was, as
 yet, doubtful in what manner Elizabeth would
 act; but, upon the whole, neither party seemed
 fond of an accommodation; and all that Mait-
 land could effect was to bring them to agree
 that a convention of the states should be sum-
 moned to meet the first of May. Thus the
 assembly broke up for this time without com-
 ing to any other agreement.

The intermediate time was employed on
 both sides in such a manner as gave an unfa-
 vourable prospect of the future convention.
 The most violent of the queen's party omitted
 nothing that could provoke Elizabeth to an
 open rupture with Scotland, in hopes of mak-
 ing the quarrel national; but this, as we have
 already seen, she avoided by a cautious, yet vi-
 gorous, conduct. The duke of Chatleheraut
 had solemnly disclaimed all foreknowledge of
 the late regent's murder; and the plan which
 the queen's party now chalked out, carried

Mary's
 friends take
 possession of
 Edinburgh.

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with it great appearance of success. They resolved to avail themselves of Kirkaldy's friendship, he being provost of Edinburgh, as well as governor of its castle; and in the mean time to publish to all the world their zeal for their country and the protestant religion, with an unalterable resolution to bring the murderers of Darnley to punishment. They accordingly assembled at Linlithgow, from whence they proceeded to Edinburgh, where the chiefs of the party, excepting those who were strongly suspected of the late regent's murder, were admitted, and lodged themselves under the cannon of the castle; but liberty was, at the same time, granted for a like admission of the king's party. The loyalists (for so the queen's friends were called) published a proclamation in the terms I have just mentioned, full of moderation and patriotism, and breathing the most earnest desire to see the public tranquillity restored. This made no impression upon Morton and his friends, who were cantoned near his house at Dalkeith; nor could they be persuaded by the earl of Athol to trust themselves within the metropolis, though the inhabitants, who adored the memory of the late regent, were well affected to their cause.

A new negotiation begun.

Maitland, who had many reasons to wish for an end of the public anarchy that had prevailed, persuaded the queen's friends to give a meeting to Morton and his party at Dalkeith, by their

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their deputies. This propofal was accepted of; but Morton by this time was no ftranger to Elizabeth's fentiments, and infifted, as a preliminary to any negociation, that the king's authority fhould be recognized. The queen's deputies, with equal obftinacy, infifted that the ref-toration of Mary to the throne of her ancestors, fhould be propofed in the approaching convention; and "that, in the mean time, a lieutenant, or viceroy, fhould be elected after the fame manner, to govern the kingdom in her abfence; and to maintain whole expence, one half of what accrued to the crown, by property or otherwife, fhould be chearfully given; and the other half to the queen, till her ref-toration could be accomplished." Thofe conditions were at firft utterly rejected by Morton and his party; but next day they required farther time for coming to an abfolute determination. Upon the return of the queen's deputies to Edinburgh with this anfwer, her party would have proceeded directly to hoftilities; but the progrefs of the Englifh army under Suffex was fuch, as determined them to leave Edinburgh, and to retire again to Linlithgow, after ordering Kirkaldy to put his caftle in a pofture of defence.

By this time the Englifh army recommenced its hoftilities upon the borders; and the lord Scroop, who was Elizabeth's warden of the weft marches, had over-run Annandale, and advanced

Hoftilities
of the Eng-
lifh army
on the bor-
ders.

as far as Dumfries. On the twenty-sixth of April, the earl of Suffex besieged and took the castle of Hume, that lord having declared for Mary; and falling sick at Berwick, his command devolved upon Sir William Drury, who reduced all the remaining places in that country which were held by Mary's friends. Elizabeth, notwithstanding the success of her arms in Scotland, proceeded with the utmost caution, though she had the advancement of the earl of Lenox to that dignity greatly at heart. She knew the impetuous disposition of Charles the ninth of France, who was so passionate an admirer of Mary's beauty, that Brantome, a contemporary historian, tells us, that he never beheld her picture without betraying the most tender emotions. He had, ever since he took the government into his own hands, professed himself to be the champion of her cause; and by his late accommodation with his Hugonot subjects, he was now in a condition to perform all the magnificent promises he had made to Mary's friends in Scotland. To those considerations may be added his bloody devotion to the Roman catholic religion; his indignation at seeing a queen dowager of France held in chains by a protestant princess; and the engagements which his mother had imposed upon him to exterminate, in conjunction with the court of Spain, the protestant religion in Europe. Elizabeth was, at the same time, obliged to manage the

Division
among the
parties in
Scotland

Elizabeth's
danger from
abroad.

the Scotch nobility, many of whom, though well disposed to the young king, might have united against her, if she had imposed the earl of Lenox as regent, upon the convention, with a high hand, which was in her power to have done.

The bold publication of the pope's bull of excommunication, seems first to have determined Elizabeth for decisive measures, in advancing the earl of Lenox to the regency of Scotland. She considered that execrable paper as the warning-piece of her danger from all the popish powers on the continent; and she thought she could trust the earl of Lenox (who was now almost a naturalized Englishman) for heading her party in Scotland, which she apprehended would be the scene of all her future disquiet. Such, with some others, were the considerations that induced Elizabeth, during the indisposition of Suffex, to order Drury to march into Scotland, with twelve hundred foot and four hundred horse. Mary's friends endeavoured to avert this blow; but Suffex, intercepting and breaking up their letters to Elizabeth, declared that they only meant to gain time; and ordered Drury to proceed. The time was now come for the meeting of the convention; and the king's lords accordingly assembled at Edinburgh, while the opposite party remained at Linlithgow; but were invited to assist at the convention, provided they would

Divisions
among the
parties in
Scotland.

May 1.

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would acknowledge the king's authority, and join in prosecuting the murderers of the king and the late regent. The answer to this invitation was, that they (the queen's lords) neither knew, nor would acknowledge any sovereign authority but that of Mary, who had appointed the earls of Arran, Argyle, and Huntley, to be her lieutenants in Scotland; and that till she was restored, they would obey them only. In the mean time, they proclaimed the commissions of lieutenancy, under the queen's authority.

The reader may easily conceive, that Scotland was then in a condition of anarchy and misery, not to be described. Every man was his own master. He knew no law to restrain him from bloodshed and robbery, nor could the injured apply to any court of justice for relief. Both parties represented this dismal situation of their country to Elizabeth; but she had now brought it to the very pass she desired. Morton and his party, to quicken the motions of Drury, represented themselves and their cause as on the brink of ruin; and sent Pitcairn, abbot of Dumfermling, to renew the negotiations for delivering Mary into their hands; but this project broke off, by Elizabeth's pretending that Pitcarin was not authorized to give securities for Mary's safety in Scotland. During this transaction, Mary's lords received a considerable reinforcement of arms, ammunition, and money, from the duke of Alva; and fresh assurances

Misery of
the king-
dom.

assurances from the court of France. This determined the earl of Suffex to put Drury's army into motion, but not till the earls of Morton, Mar, and Glencairn, with the lords Lindsay and Ruthven, had given hostages for their performing whatever should be entered into between Elizabeth and Pitcairn. A. D. 1570.

Nothing could be more dreadful to Maitland and Kirkaldy (who had hitherto affected to act in a kind of neutral capacity) than the march of the English army into Scotland, which began on the eleventh of May, attended by the earl of Lenox, and four field-pieces. They considered Mary's cause as desperate, if they should keep up the distinction of the king's and queen's lords; and therefore resolved to join the latter, as being the most probable measure for serving her; but the rest of her party, intoxicated with the promises they had received from abroad, rendered this proposal ineffectual. They had been encouraged to it by the result of a conversation which Melvil had with the earl of Lenox, at Berwick, in which the latter professed a violent friendship for the duke of Norfolk, and all his friends in Scotland: they therefore reasonably thought, that by uniting both parties under the earl's regency, they had the best chance for obtaining tolerable terms for Mary.

They had no time for deliberation. Drury upon his entering Scotland was joined by a thou.

Conduct of
Maitland
and Kir-
kaldy.

Progress of
the English
army in
Scotland.

A.D. 1570. thousand of the young king's party, and advanced towards Edinburgh. The queen's lords attempted to take the castle of Glasgow, but they failed through the gallant defence made by some friends of the Lenox family; after which disappointment, the duke of Chatleheraut retired westward with the earl of Argyle, as did the earl of Huntley northward. The king's party being thus masters of the field, destroyed the castle and palace of Hamilton, with all the estates of his adherents in Clydesdale, as they did the estates of the lords Fleming and Levingston; but Drury was disappointed in a design he had formed against Dunbarton castle. That fort had been pitched upon as the landing-place of the foreign succours that were to be sent to Mary's assistance; and the archbishop of St. Andrew's had retired thither, to avoid the fury of his enemies. It was thus of the utmost importance for Elizabeth's service, that the place should be put into her possession; and Drury, not being provided with artillery for besieging it, invited the lord Fleming, its governor, to a parley, after viewing the fortrefs with a party of light horse. Fleming did not decline the interview; but Drury was struck with a panic, and pretended that he had been fired at from the castle. This was afterwards magnified into a charge of treachery against Fleming; but how improbable that was, appears from Drury's renewing his application for an interview, which Fleming,

Fleming, by the advice of the archbishop of St. Andrews, declined, as he had no horse, and Drury was attended by horse only: upon this Sir George Cary, one of Drury's friends, sent Fleming a challenge to fight him, which Fleming treated with a becoming disdain, by calling it "a brainless letter," and informing the messenger, that he did not think himself at liberty to hazard his person, considering the important trust he held from his mistress. In the return of the English army from Edinburgh, they had orders to discontinue all their ravages, the merit of which lenity Morton arrogated to himself; but we are told that some houses were actually razed; and we know that by the third of June, Drury returned with his detachment to Berwick, where Morton relieved his hostages. We are to look for the springs of this moderate conduct in England.

It is needless to repeat any mention of the alarms which Elizabeth every day continued to receive, both from abroad and at home, on account of Mary's treatment. To soothe the court of France, she intimated that she was willing to accept of the duke of Anjou's addresses; a courtship which had been mentioned by the queen-mother of France. She treated the French ambassador with particular regard, in all his applications which he made for Mary, in conjunction with Lesley, whom she had freed from his restraint. She had sent orders

Elizabeth
relents to-
wards Mary,

A. D. 1570.

Letter from
Shrewsbury
to Cecil.

to the earl of Shrewsbury, to shew Mary some indulgences; and, if possible, to prevail upon her to send a private letter, which was to be seen by Elizabeth only, declaring all she knew of the steps that were taking for her liberty. Mary, deplorable and destitute as her situation was, rejected this proposal with great firmness; but offered, if Elizabeth would restore her to liberty, to agree to any reasonable terms she should propose, and to continue her sincere and faithful friend to her last breath. She renewed, in the most earnest manner, her request of being introduced to Elizabeth's presence, though in a close coach, and without any state, having matters to communicate to her, which she would not reveal to any other person; but she declined writing, because she knew that her letters were liable to doubts and suspicion, and obtained no credit with Elizabeth. The report of this conversation, with the repeated solicitations of Lesley and the French ambassador that she would recall her army out of Scotland, made so considerable an impression upon Elizabeth, that she agreed to the recall, which was carried into execution as we have already seen, and to the following articles as the basis for Mary's deliverance.

who has a
prospect of
deliverance.

“ That the queen of England instantly withdrawing her forces from Scotland, a general cessation of arms shall follow for certain months. That the English refugees in Scotland,

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land shall either forthwith be driven from Scotland, or be secured there, in order to be delivered to the queen of England, when the treaty is concluded. That the king of France shall send no soldiers to Scotland; and in case any arrive during the treaty, they shall instantly be sent back again. That commissioners shall be sent to England, for the queen of Scots and the nobles of her party, queen Elizabeth causing others to be sent for the other party, to treat upon the restoration of queen Mary, the composing all differences between her subjects, and the satisfying the English queen with respect to her crown. And lastly, that no invasion shall be made on the state and government (the words of the original) of Scotland, during the treaty."

Lesley, who in the history of his negotiations, gives an account of those articles, says they were the best that could be obtained for Mary at the time, on account of the difficulties in which her friends on the continent were involved within their own dominions. The abbot of Dumfermling did all he could to render ineffectual the articles that had been agreed on, but with very little success; and Elizabeth even intimated that she was free from her promise of not restoring Mary, because the earl of Murray had failed in proving her guilt. The king's lords in Scotland were under inexpressible consternation, when they received intelligence of the

Artful conduct of Elizabeth.

A. D. 1570.

articles to which Elizabeth had agreed with Mary. They were such, in fact, as left them without a head, while their adversaries had a ready recourse to Mary's authority, and that of her lieutenants. Elizabeth seems to have been somewhat sensible of this, especially after she understood that the earl of Westmoreland and Dacres had been suffered to escape to the continent, and the earl of Lenox had been declared lieutenant of the kingdom, till the eleventh of July, when the lords of the party were to meet for the choice of a regent. They paid Elizabeth the compliment to consult her upon that head; to which she returned a most artful answer. She recommended the earl of Lenox to be regent, because he was the most natural guardian of his grandson, the young king's person. She assured them of her friendship; that she meant no alteration in the form of their government, under their king's authority; and desired them not to be alarmed at any reports that had been spread concerning her accommodation with Mary, from whom, she said, she expected further evidences of her innocence.

This letter was presented to the assembly of the king's lords by Randolph, who enforced it with a laboured speech, in consequence of which Lenox was declared regent on the twelfth of July. Though many of his friends had previously warned him of the danger attending this high station, yet he entered upon it with great alacrity. Besides his personal ambition,

The earl of
Lenox
chosen re-
gent.

A. D. 1578.

bition, and desire of revenge for the murder of his son, he held the interests of the Lenox and Hamilton families to be incompatible; and therefore he demanded the assistance of some troops from the earl of Suffex, and a few pieces of artillery from Kirkaldy, to prevent the convention of the queen's party at Linlithgow. Though he was disappointed in both his requests, yet he took possession of that town with five hundred horse, and effectually prevented the meeting. Crawford tells us that the lord Claud Hamilton, with a party of his friends, lay in wait for the regent at Callendarwood; but perceiving he was discovered, he withdrew his men to Hamilton, upon which the regent took possession of Linlithgow. Mary's friends, notwithstanding their disappointment, were very active in the other parts of Scotland. The earl of Huntley was still in arms; and besieging Aberbrothwick, which had fallen into the hands of the queen's enemies, while her friends, the earl of Crawford, the lord Ogilvie, and Sir James Balfour, were fortifying Brechin. Lenox, desirous to signalize the commencement of his administration, detached the earl of Morton with a party of light horse to relieve Aberbrothwick, or reduce Brechin. Morton thinking his force too slender, was reinforced at Perth with a considerable body of foot, and set out upon a forced march to surprize Mary's friends in Brechin.

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Brechin. His approach being discovered, their chiefs retired towards Montrose; but left two of their officers (Cowts and Wemys) with seventy-five men to make good the pass of Brechin, and to stop Morton's pursuit. According to Crawford, those two officers behaved so bravely, that Morton having lost some men in his first attack, durst not make a second, till he was joined by the regent. The match was then so unequal, that the two officers surrendered at discretion; and Cowts, with the seventy-five men *, were immediately hanged, by the instigation of the earl of Morton. Wemys being rich, bought off his life. After this unmanly action, which rendered Lenox's regency very unpopular in the north, he reduced the castle of Down in his return.

His in-
politic
fve-
rity.

Insolence
of the
preachers.

It was observed by the public with some dissatisfaction, that the regent, who was considered as a thorough Englishman, was now as much under the direction of Morton, as his predecessor had been; while Sadler openly boasted that there was no other government in Scotland than that of his mistress. The assembly of the church was then sitting at Edinburgh; and a commission was given to two of the members, Mr. David Lindsay and Mr. Andrew Hay, to treat with the duke of Chatleherault, the earls of Argyle, Eglington, and

* Spotswood mentions only thirty.

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Cassils, the lord Boyd, and other barons and gentlemen of the west parts, for reducing them to the obedience of the king and his authority, or rather to that of the regent and Morton. A like deputation was sent to the earl of Crawford and lord Ogilvie; and the deputies had power to threaten all those noblemen with excommunication, in case they did not comply *. We know of no effect which this insolent deputation had; but a parliament was indicted to be held at Edinburgh on the tenth of October following.

The negotiation for Mary's liberty was still going on in England, though it received several rubs from the ill-judged conspiracies of some violent Roman catholics in Norfolk, who were discovered and executed. Fortunately for Mary, she was found to have no connection with their treasons; and though they were of a very high and dangerous nature, they served

A truce concluded.

* The good archbishop Spotswood, like too many well-meaning clergymen, is a little inconsistent with himself in relating this negotiation. He makes a kind of an encomium upon the members for their forbearing, at the admonition of the temporal power, all decision in civil matters, which ought to be tried by the king and council; and in the very same paragraph he gives us a detail of this very extraordinary deputation. The good prelate seems himself to have been aware of this inconsistency; for he says, he does "not think that the excommunication was really intended, considering the quality and number of the persons." I am afraid, that when this apology is duly considered, it renders the absurdity and insolence of the assembly's proceedings still more aggravating, and more similar to the most inexcusable exercises of the papal power.

only

A.D. 1570. only the more to convince Elizabeth of the danger she underwent by continuing Mary's imprisonment. She gave orders for the earl of Suffex to interpose her authority, "That the regent should oblige himself and his partakers to cease from arms, and not to molest any that pretended obedience to the king's mother, during the space of two months, which should be understood to begin the third day of September, providing that no innovation should be made in the government, and all things continue in the same estate wherein they were at the death of the late regent: as also that the ordinary administration of the law and justice in parliament, session, and other courts, with the punishment of thieves and trespassers, might proceed in the mean time by law, or force, in the king's name, and under his authority, without any opposition."

Spotswood.

Dated Octo.

7.

A negotiation for Mary's liberty.

The regent and the king's party made strong objections to this truce, and represented it to Elizabeth as tending to the absolute ruin of the young king and his authority; but they were answered by another peremptory letter from Elizabeth, signifying "That she had appointed Sir William Cecil, her principal secretary, and Sir Walter Mildmay, chancellor of the exchequer, to repair to the queen of Scots, and learn what offers she would make for her majesty's security, and the not disturbing the realms, if she should be put to liberty. In which treaty she

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the minded not to neglect the surety of the young king, and the estate of the nobility adhering to him; whereof she would be no less careful, than of what concerned herself most. But in regard that treaty could take no good effect, if the regent and the nobility on his side should do any thing to the prejudice of the queen of Scots and her party, she desired that no parliament should be kept during the time of the treaty; or if it had taken beginning before the receipt of the letter, that nothing should pass therein which might give her cause to complain. And for the abstinence taken unto the third of November, seeing there was no likelihood the treaty should take an end in so short a time, he was farther desired to prorogue the same for other two months."

No sooner was the Norfolk conspiracy suppressed by Elizabeth and her ministers, than another broke out in Derbyshire. The heads of it were Thomas and Edward Stanley, sons of the earl of Derby, and three gentlemen of the names of Gerrard, Rolston, and Hall; and their intention was to have freed Mary, who had been removed to Chatworth in that county. It is uncertain whether the earl of Derby himself knew any thing of their design; but he was suspected by the earl of Huntington, who advised Cecil to plant a spy in his family. The conspirators having access to Mary, proposed to set her at liberty, provided they were supported

New conspiracy against Elizabeth.

A.D. 1570.

by a foreign force, while they were raising their friends in England. They likewise offered to deliver the duke of Norfolk, and to protect both Mary and him in England after their marriage was consummated. Though the execution of this conspiracy was by no means impracticable, yet the delicacy of Mary, after Elizabeth's offers and indulgences, was such, that she gave the conspirators no other encouragement than by referring them to the bishop of Ross, who discouraged the scheme *. The matter might have rested there, had not Rolston admitted his son, who was one of Elizabeth's gentlemen-pensioners, into the secret; and he discovered it to the ministry; upon which, all the conspirators, excepting Hall, who made his escape, were seized and imprisoned.

The negotiation resumed, and particulars of the same.

Elizabeth, upon enquiry, perceiving that this conspiracy had neither taken its rise from, nor been encouraged by, Mary or her minister, no sooner returned from a progress she was making, than she ordered Sir William Cecil and Sir Walter Mildmay to repair to Chatworth, and to prepare every thing for her putting the last hand to Mary's deliverance. We have a most authentic account in the Cecil Papers of this negotiation, which even Cam-

* It appears, however, by the State Papers published by Mr. Murden, that the bishop of Ross knew more of this conspiracy than he thought proper to own at this time; but this history would swell to an enormous size, were I to take notice of particulars.

den had never seen; and his ignorance has led him into several mistakes on that head. The whole is signed by Mary and the two English commissioners, who brought them ready drawn up*.

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By the first article "a league of amity between the two queens was proposed; and that Mary should confirm all that had been done by her son's ministers, for strengthening the good understanding between the two crowns."—Mary agreed to this article in substance, but demurred a little as to acknowledging her son's authority.

Secondly, "To rectify the treaty of Edinburgh in 1560, but without prejudice to Mary's succession to the crown of England, in case of Elizabeth's demise without ANY issue."—Mary agreed to this article, but substituted the word **LAWFUL** for **ANY**.

Thirdly, "That Mary shall enter into no engagements prejudicial to England with foreign powers, nor suffer her subjects to serve either by sea or land against the English; that in case England is unjustly attacked, she shall furnish Elizabeth with troops and ships; while Elizabeth stipulates the same with regard to Scotland, each

* This negotiation was published by Lesley; but though he was a party concerned, his copy is full of many mistakes, and some articles of great moment are omitted. As it is a paper of importance, but very tedious in the original, I here present the reader with an abridgment of it, as far as is consistent with perspicuity.

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paying for the succours she shall receive."—This article, after several immaterial alterations, is agreed to by Mary.

Fourthly, * "That all foreign troops shall be sent out of Scotland in a month after signing the treaty, and none be suffered to repair thither."—To this article Mary agrees without any alteration.

Fifthly, "That Mary shall hold no correspondence with any English subject, without acquainting Elizabeth with the same."—Mary wanted much to have qualified this tyrannical article, by promising to hold no such correspondence to Elizabeth's prejudice; but the English commissioners prevailed to have the article accorded as it originally stood.

Sixthly, "That the earl of Northumberland and all the English rebels in Scotland be delivered up to Elizabeth."—Mary could not be prevailed with to agree to this article, as being ungenerous and dishonourable. But she became an intercessor with Elizabeth for their pardon; and if that could not be obtained, she offered to send them, in a certain time, out of her dominions. The English commissioners, on the other hand, insisted upon the article standing in its original form; nor do I find that Mary ever agreed to it, because I perceive she

* This and the following article are omitted by Lesley in his abstract of this negociation.

objects to it in her reply made to their emendations of her answer.

Seventhly, "That Mary shall order redress for the disorders committed by her subjects on the marches."—Mary, in answer to this, offered to refer every thing to commissioners on both parts; and to this the English ministers agree.

Eighthly, "That the murderers of Darnley and Murray should be punished."—To this article Mary very sagaciously added, "according to the laws of Scotland;" nor do I perceive any objections made by the English ministers.

Ninthly, "By this article, which is the most material of the whole, Elizabeth required, that for the safety of the young king's person, as well as that he may be a hostage for his mother, he should, before she was set at liberty, be brought into England, and live there under such noblemen and gentlemen of Scotland, as shall be nominated by the earl of Lenox, his grandfather, or the earl of Mar, his governor; and to remain there as long as Elizabeth, who was to treat him as her nearest kinsman, should please. His mother had power to send messengers to visit him; and he was to return to Scotland, and be established in his kingdom there, as soon as his mother should die, or resign to him the government of her kingdom."—Mary offered to send her son to England, provided one of his tutors was nominated by

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by herself, and the others by Elizabeth, with the earls of Lenox and Mar, and she herself permitted to see him once or thrice a year; and he was to remain there till he should arrive at the age of fifteen, and longer, if she (Mary) thought proper. But she was in hopes, that since his revenues, as prince of Scotland, were too slender for defraying the expence of a princely education and maintenance, that Elizabeth would bear part of the charges.

The English commissioners disallowed of Mary's visiting her son, and of Elizabeth paying any part of his expences. Mary, therefore, waved both requests; but she said the former was founded on the affection every mother ought to have for her child, and the latter on reason, because she could maintain the prince much cheaper in Scotland than in England.

By the tenth and last article, "Mary was to oblige herself not to enter into communication of marriage, or to conclude any marriage for herself, with any of the queen of England's subjects, without Elizabeth's consent; nor with any other person, without the consent of Elizabeth, or of the greater part of the nobility of Scotland."—Mary agreed to this article without any alteration.

The two English commissioners next proceeded to the manner in which Mary was to be bound to perform the above articles. They demanded that six hostages, three of them earls,
and

A. D. 1570.

and three lords of parliament, should be sent into England as sureties for three years, but exchangeable by others of equal quality. Mary, after some very reasonable objections, agreed to this article, provided that the duke of Chatleheraut, the earls of Argyle, Huntley, and Athol, the lords Fleming and Seaton, and her wardens of the borders, were not of the number; because she said they were the only persons in all Scotland on whom she could rely for her safety. This exception of persons was disallowed of by the English commissioners.

The next demand was of so extraordinary a nature, and is so fully expressive of Elizabeth's jealous and tyrannical disposition, that it deserves to be fully mentioned. It imported, that Mary should "be divested of all title to the English crown, if she did aught in prejudice to Elizabeth's right or interest therein; or should assist any others in the like attempt, or harbour any English rebels. Farther, in such an event, Elizabeth was to be at liberty to dispossess Mary of her crown, in favour of the prince her son." Mary had no objection to this article; but she required, that she might, in case of any such attempt by her, have a formal denunciation and admonition from England. The English commissioners most tyrannically rejected this just request; upon which Mary put in the following unanswerable rejoinder: "In consideration that the queen's majesty of Scotland doth
submit

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submit herself to the judgment of the queen of England, and the more part of her nobility, in case of her offence, there can no less be required than a denunciation and admonition to proceed their declaration, (for that was *damnare hominem inauditum*) or else sufficient proof to be made, and her answer heard before the queen of England, and the more part of her nobility."

By another article, the English were to have possession for three years of Hume castle, because that nobleman had favoured the English rebels; and likewise some castles in Gallo-way or Kintire, so as to prevent the Scots from assisting Elizabeth's Irish rebels. Mary objected, but in vain, to both those demands, alledging, that the earl of Hume had been already a great sufferer by the English; and that the castles in the west of Scotland were not at her disposal, being private property. The English commissioners, however, abated nothing of either demand; so that those articles seem never to have been settled.

Ratification of the treaty by the two queens.

In the course of this negotiation, Mary's answers and objections to the articles, and the reply of the English commissioners to Mary's answers, were in separate papers. At the end of Mary's answer is the following request: "In consideration of these reasonable answers, and the good mind and will of the queen of Scots to satisfy the queen, her good sister, in all points, with most hearty affection and humility,

military, she desires that the queen of England, her good sister, will cause her to be put to liberty, restored freely to her kingdom, estate and government of the realm of Scotland; and to be authorized, assisted, and fortified by her said good sister thereunto, whereby she may govern her subjects and realm, by the advice of the queen, her good sister, to the honour of God, and to the comfort and common quietness of this whole isle. Mary R."

The paragraph annexed by Elizabeth to the reply of her commissioners to Mary's answers, is as follows: "That the queen of England, in case the queen of Scots shall be conformable to perform the articles above written, is not only content to grant the said request to the queen of Scots, but also to promise that where allegations have been produced against the queen of Scots, the queen of England meaneth not, nor will not do any thing by reason thereof that may any wise touch the queen of Scots in honour or estimation, so long as she shall faithfully keep her promises and agreements, according to the tenor of this treaty."

Mary, by way of rejoinder to this paper, most earnestly requested to be admitted to the presence of Elizabeth, that she might have her word as a pledge of her friendship, to which she said she would trust more than to all the other pledges she could desire.

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Such was the substance of this famous negotiation, which has been most unaccountably overlooked or misrepresented by all historians, Scotch as well as English. They have considered it as being conditional; whereas it was intended to be definitive, as far as two independent sovereigns could render any treaty so *. There was, it is true, another negotiation carried on at Chatfworth at the same time; but this had no relation to Mary's liberty, and contained only the modes of government to be observed in Scotland after her restoration; and the whole was to be altered or forborn, as should be agreed upon by the commissioners coming from the regent and queen's party in Scotland. The substance of this negotiation (which never was carried into execution, and therefore I shall here omit the particulars) may be found in Spotswood's Church History; but it is proper I should mention what Spotswood omits; for in Cecil's copy, "all these premisses are but conjecturally propounded, without the knowledge of the earl of Lenox, or any of the nobility joined with him; or without any particular under-

P. 249,
250.

* To prove this, and how unfair all historians have been in their representations of this treaty, it is sufficient to quote the first article of the execution, or, as it is called in the original, The Manner of Assurances for the Premisses, viz. "The contracts of the premisses to be first conceived and concluded in writing, and with the hands and seals of both the queens, or of sufficient commissioners hands thereto authorised, as is accustomed betwixt princes." See Cecil's State Papers, p. 612.

standing

A. D. 1570.

standing of the state and customs of the country; and therefore are to be altered, changed, or forborn, in part or in the whole, as shall seem further meet and reasonable, upon a conference to be had with any whom the said earl and his party shall send into England for that purpose, and others to be sent by the queen."

Lenox confirmed in the regency.

The parliament of Scotland met on the tenth of October, but went upon no other business than that of confirming Lenox in the regency. He would gladly have got rid of the neutrality proposed by Elizabeth, and made vigorous remonstrances on that head. He said that it bound the king's friends, but not those of the queen; and he instanced the powerful interest she had at the court of France, where all the Scotch ships not provided with passes in Mary's name were seized. He even intimated his discontent that Elizabeth had entered so far into the motion of a truce without consulting him; but not daring to dispute her will, he submitted to prolong the truce for two months, provided the ships were released. Lenox met with a powerful friend in the person of Cecil, who, while he was at Chatworth, wrote him a letter, informing him that he had been forced into the management of the negotiation with the queen of Scotland, "and yet had not dealt therein but with a great regard of the safety of the young king, and whole estate: and that all he had

Oct. 13.

A. D. 1570.

done, touching Scottish affairs, was under protestation, that it should be in the power of those whom the queen and regent should send in commission to change, diminish, or augment the articles at their pleasures. Therefore did he advise the regent to send a nobleman, with some other well-learned and practised in the affairs of the country, to deal in this matter; taking care that the persons he chused were constant and firm, and such as would not be won from him, nor from the cause."

A double
negotiation.

It is plain that the articles which Cecil mentions in this letter, are those which related to the internal government of Scotland after Mary should be restored; and that Cecil was acting a most disingenuous part, by prompting the regent, in fact, to send up such commissioners as should defeat the whole intention of the treaty. How far Elizabeth was privy to this cannot be determined; but there is little room to doubt of her duplicity even with regard to the treaty that had been already settled between her and Mary; and that her real intention was to link it in such a manner with that which concerned the form of government in Scotland, as that the execution of the former should depend entirely upon the conclusion of the latter. In short, Elizabeth, during the whole of this transaction, sought to gain time, that she might suit her conduct to events. I must, however, be of opinion that

Mary

A. D. 1572.

Mary and her ministers proceeded upon similar principles, because she undoubtedly would have made almost any sacrifice to obtain her liberty; but even supposing her not to have been quite sincere as to her professions, her duplicity was far more allowable than that of Elizabeth. By the best information I have been able to gather, Mary was very industrious by her agents at foreign courts. She had employed one Barclay to assist the archbishop of Glasgow in his application to the French court; but Charles the ninth was then wholly immersed in his preparations for the bloody massacre on St. Bartholomew's eve, which he afterwards executed, and for putting to the sword all the protestants in his kingdom; he therefore desired Mary's ambassadors to advise her to accept of any terms for the present that Elizabeth was willing to grant. Another negotiation of still greater importance, and which shews the genius of her party, falls in with this æra.

Crawford.

Mary had a resident, Hamilton, who had been rector of Dunbar, and was extremely useful to her at the court of Spain. He had brought to Scotland the last supply of arms and ammunition which had been sent over by the duke of Alva; and Mary's friends obtained a commission from her, for the lord Seton to return with Hamilton, and in her and her party's name to thank his catholic majesty and the

Lord Seton's
adventures
in the Low
Countries.

A.D. 1570.

the duke of Alva for their good offices. Seton, by what appears from the most unquestionable records, was a weak, vain man, ostentatious, prodigal, intemperate, brave, and even enthusiastically devoted to Mary's person and service. The character of Alva, his severity and bigotry, is well known in history; and though he was in every respect the reverse of Seton, yet as the latter professed himself to be an irreconcilable enemy to all rebellion, he met with a civil reception; and indeed his business deserved attention. The war occasioned by the revolt of the Seven Provinces, was then raging in the Low Countries; and the armies of the revolted Hollanders were full of Scotch officers and soldiers, whom the distractions of their own country had driven abroad. Nothing could be of more effectual service to the crown of Spain than the detaching so considerable a body of troops from the service of its rebels, which Seton proposed to do by his personal credit among his countrymen, and the assistance of some money; but at the same time his catholic majesty was to engage to send ten thousand troops to Scotland, for the assistance of Mary and her friends. The duke listened with great avidity to the proposal, but frankly told Seton that his master could not spare ten thousand men, though he was willing to advance the money for paying such a body for six months. Seton accepted of the terms; and throwing himself

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self into the company of his countrymen, he plied them so hard with liquor and promises, that he made a considerable progress in his undertaking. His intemperance and unguarded expressions defeated it, for the Hollanders discovered his practices, and secured his person. Seton behaved most undauntedly on this perilous occasion. He pretended that he was the ambassador of a sovereign princess, and that he was justified in endeavouring to reclaim her subjects to her service. The Hollanders paid no regard to this plea, and even produced the rack to force him to a confession. Seton treated their menaces with the highest contempt; but he probably would have undergone the torture, had not his countrymen interposed, and threatened to join the duke of Alva in a body unless Seton was released; but they promised in that case to continue in their present service. Seton upon this was set at liberty, and entered into a treaty with a French count, whose name I have not been able to recover, but who offered to carry over two thousand men into Scotland, upon receiving an advance of three months pay. Seton communicated this proposal, which most probably came from an impostor, to the bishop of Ross, who imparted it to the duke of Norfolk; but that nobleman excused himself from advancing any money, because his private circumstances were then greatly involved with the earl of Arundel.

While

A. D. 1570.

Ill judged
conduct of
Mary's
friends.

While those intrigues were going on in the Low Countries, the courts of Spain and Rome had exerted their utmost powers in preparing those armaments against the Turks, which gained the glorious battle of Lepanto; so that his holiness informed the bishop of Dumblain and Car, one of Mary's secretaries, who were her agents at Rome, that she must have patience before he could do any thing effectual in her cause. Notwithstanding those discouragements, I perceive that both Mary and her friends received large remittances from abroad, about this time. Lesley's ill judged zeal hurt Mary, perhaps, more than the mismanagement of all her other agents. He had formed very dangerous connections with the ambassadors of France and Spain, and Rhidolphi the pope's agent, all which were betrayed to Elizabeth by the queen dowager of France; and if she even was sincere in the negociation she had entered into with Mary, she altered her sentiments at this time. It appears from the narrative of his own negotiations, that even after Mary had signed the treaty with Elizabeth for her deliverance, the bishop sent copies of it to all her agents abroad, whom he instructed to do all they could to defeat its execution, by enabling Mary to obtain better terms. Their representations were so successful, that notwithstanding the expensive armaments of the pope and the king of Spain, the former remitted to Mary's hands twelve thousand

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thousand crowns, and the latter ten thousand. It was no wonder if so indefensible, and, indeed, treacherous a conduct, after it was discovered to Elizabeth, gave that princess very unfavourable ideas of Mary's sincerity, notwithstanding the deep protestations of friendship she had made in the treaty she had just signed. Elizabeth continued her dissimulation, and upon the return of her commissioners from Chatworth, where they had remained about twenty days, she seemed to be perfectly satisfied with the treaty she had made; and she talked to the ambassadors of France and Spain as if all the differences between her and Mary had been adjusted, at the very time she was contriving how to elude all that had been transacted.

She began to start some difficulties, by pretending that it was necessary the earl of Lenox and the nobility of Scotland should be parties in all that was agreed upon by Mary, with regard to the government of that kingdom after her restoration. A letter was accordingly sent to the earl of Suffex, ordering him to acquaint the regent, "that the lords of the other faction had made choice of certain commissioners to attend the treaty begun betwixt their queen and the queen of England; desiring that no trouble nor molestation should be made to them and their train in that journey; as also to send some special persons intrusted with commission from the king and the nobility of his side, to give their

Letter of
the earl of
Suffex to
the earl of
Lenox.

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best advice for the surety of the king and his dependents, if matters should happen to be accorded. And if it fell out otherwise, to consider what should be the most sure course for continuance of amity betwixt the two realms, the preservation of the young king, the reducing of the subjects to his obedience, and the defence of the isle against foreign invasions. These commissioners he desired to be sent with expedition; for that her majesty longed to have an end of the business, and could not grow to any resolution till she had conferred with them, and understood their minds."

Along with this letter the earl of Suffex threw out some heads of advice which had been dictated to him by Elizabeth, and were plainly calculated for embarrassing, if not defeating, the whole treaty, viz. "As, first, if she should happen to be restored to her crown, and the king be made to demit the authority, it might be upon condition that in case of her death, or the breach of the present agreement, he might re-enter to the kingdom without any solemnities to be used. Next, That a council of both parties might be provided to her by the queen of England, for avoiding all sorts of practices. Thirdly, That the young king should be educated in the realm of England, under the custody of such persons as the nobility of his party should appoint; which would

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would be the greatest surety for those that depended on him, and tye his mother to the performance of the articles. Fourthly, That a new act of parliament should be made for the establishing of true religion, and oblivion of all injuries committed on either side. Fifthly, That the queen should give some principal men of her side hostages to remain in England for fulfilling the heads of the agreement. Lastly, He advised the regent to send with the commissioners that should be employed in that errand, a writing signed and sealed by all the noblemen of the king's party, to shew who they were that stood on that side: because, besides the credit it would bring to the cause, the same would be to good purpose, howsoever matters went. For if the treaty should break off, it would be seen who would maintain and defend the king; or if otherwise an accord were made, it would be known for what persons the queen of England was to provide a surety."

The answer of Lenox to this letter was couched in cautious terms. He lamented the causes why the nobility adhering to the king were so few; but he still hoped to get a sufficiency of subscriptions for the commission desired. He begged to be held excused from giving his private opinion in matters so important, because he had sworn, when he accepted the regency, to consult with the nobi-

Cautious
answer of
Lenox.

A. D. 1570.

lity and council upon such affairs. With regard to the commissioners, he promised that as soon as he knew of what quality the commissioners of the lords of Mary's party were to be, he would nominate the king's commissioners accordingly; and that no molestation should be given to the former in their journey; but that in the mean time the council had appointed Pitcairn, abbot of Dumfermling, to repair to Elizabeth with their instructions. This abbot was a great favourite with Morton, who prevailed with Lenox to deprive Maitland of the secretaryship, and to proclaim him a traitor for being concerned in Darnley's murder, and to forfeit his estate. Maitland blamed Morton for this hard usage, which was the more extraordinary, as he had been but a few months before most solemnly cleared by Morton himself, and the lords of parliament, from having any concern in that murder, and as he held the secretaryship by their authority. He seems, however, to have been conscious of some part, at least, of the charge; for in a letter he wrote to a friend upon the subject, we find the following equivocal period: "He (Morton) was the chief procurer and solicitor of my pretended forfeiture, for a crime whereof, he knows in his conscience, I was as innocent as himself." When this letter was shewn to Morton, he pretended, in answer, that Maitland had confessed his guilt to himself.

Inquiry,
p. 286.

By a letter from the bishop of Ross, we understand that Elizabeth had absolutely refused to suffer Maitland to repair to London as one of Mary's commissioners; but the good bishop desires him to continue his services to her in Scotland during the time of the treaty.

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Dated June 15.

"Assure yourself (says he) no diligence shall be omitted to procure supports forth of all parts where it may be had. We will not refuse the aid neither of papist, Jew, nor Gentile, after my advice; and to this end, during this treaty, let all things be well prepared." The bishop next informs Maitland of the good disposition of the court of Spain, and that money was ready in Flanders to be remitted for Mary's service, especially for fortifying the castle of Edinburgh.

Duplicity of the bishop of Ross.

The instructions given to Pitcairn, after paying great compliments to Elizabeth, contained remonstrances against all that had been done or proposed at Chatworth; and put her in mind that Mary would regard the terms no more than she did the resignation she made of her crown at Lochleven. They contained likewise a representation (to the particulars of which the reader can be no stranger) of the various dangers to which England as well as Scotland must be exposed, if Mary should obtain her liberty. Elizabeth (after acquainting Pitcairn that none of the articles concerning the state of Scotland had been signed) promised, as

Pitcairn's instructions

Nov. 29.

A. D. 1576.

as usual, that if it appeared to her the king's lords had done to her nothing but what they could justify, she would espouse their quarrel. "Otherwise (continued she), if they were not able to justify their cause by such evident reasons as might satisfy her majesty in conscience, and make her answer the world in honor, she would nevertheless, for that natural love she bare to the king her near kinsman, and the good will she carried to the noblemen that stood for his authority, leave no means unprovided for their safeties." In the mean while, as the armistice was almost expired, she desired, or rather commanded, that it should be prolonged to the following March.

Mary's
commis-
sioners
named.

The commissioners named by Mary were the lord Levingston, the bishop of Ross, and Alexander Gordon bishop of Galloway, commonly called archbishop of Athens. This prelate was of the Huntley family, and had been named to the archbishopric of Glasgow; and being disappointed of that, he had been made archbishop of Athens by the pope, and was afterwards made archbishop of Galloway, and abbot of Inchafray, but was one of the first prelates in Scotland who had embraced the reformed religion. Mary was just recovered, through the strength of her constitution, from a dangerous illness, when her commissioners arrived at Sheffield, which was then the place of her confinement, on the twenty-third of December.

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December. Lesley undertook the management of the negociation; and, in his pragmatistical manner, he posted on from Sheffield, before they set out, to prepare Elizabeth to receive them. They arrived at Hampton-court on the fourteenth of January; but Elizabeth seemed to be somewhat piqued at their not being persons of greater consequence. Lesley complained bitterly of the infringements of the armistice in Scotland, by the regent and his party, and insisted upon proceeding in the treaty immediately, without waiting for the arrival of the other commissioners. By this he meant that Elizabeth should put the last hand to the personal treaty between her and Mary, which she herself said was almost as good as concluded; so that, at the arrival of the king's commissioners, nothing but the articles relating to the subjects of Scotland should remain unadjusted. Elizabeth affected to treat the bishop and his fellow-commissioners with the greatest candour and regard. She promised that she would see all infractions of the armistice duly redressed; and she even sent a letter to inform the regent that if he delayed longer to send up his commissioners, she was resolved to finish the treaty without them.

1571.

Lesley's negotiations.

Lenox had summoned the nobility to meet him in the beginning of January, to make choice of commissioners, and to draw up their instructions. Kirkaldy had now declared openly for

Distractions of Scotland.

A.D. 1571.

for the queen and her party, and had even gone so far as to rescue by force out of the prison of Edinburgh one of his servants, who had been imprisoned for murder. The meeting of the nobility however was held, though Kirkaldy played upon the town with the artillery of the castle; and the earl of Morton, Macgill the civilian, and the abbot of Dumfermling, were chosen to be the king's commissioners for the treaty at London. Before the rising of the meeting Kirkaldy was summoned to give an account of his conduct; and upon his refusing to appear, he was declared a traitor. He had at that time with him the earl of Hume, Maitland, and Sir James Balfour, all of them highly exasperated against the regent and the king's party; and instead of regarding their authority, he took possession of the town of Edinburgh, and raised batteries of cannon along the streets. The parliament being prorogued to May, neither party regarded the armistice; so that Scotland remained still a most deplorable scene of anarchy and confusion.

The conferences
opened.

The regent's commissioners arrived at London towards the end of February; and the commissioners appointed by Elizabeth to treat with the commissioners from Scotland of both parties, were the earls of Leicester and Suffex, the lord keeper Bacon, the lord chamberlain Cecil, whom we are now to call lord Burleigh, Sir Walter Mildmay, and Sir Francis Knolles.

At

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At the first meeting, which was on March the first, Burleigh informed the king's commissioners, in a pretty blunt manner, "that as they were desired to come into England on account of the treaty between the two queens, her majesty did now expect to receive from them such reasons for their conduct as would not only satisfy her, but the world. These, however, if they could not produce, her majesty would not fail to compose all differences, and provide for their safety." This speech was intended to introduce the discussion of the personal treaty between the two queens, some points of which remained still to be adjusted, particularly with regard to the security which Elizabeth was to have for the performance of the articles, and for the future indemnification of the regent's party, as well as for the form of government which Mary was to observe after she was restored. The English commissioners renewed their demand of having the duke of Chatleheraut and the other lords of Mary's party delivered up as hostages; and that the castles of Dumbarton and Hume should be put into Elizabeth's hands. When Mary's commissioners were upon the point of yielding to those demands, those of Elizabeth sprung the principal mine which they knew would blow up the whole negotiation; for they acquainted Morton and his associates, that by one of the articles of the treaty between the two queens, it was

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agreed that the young king of Scotland should be put into Elizabeth's hands, both as hostage and pupil. It was added, that their consent was absolutely necessary for executing that article, as the regent and his party were in possession of the young king's person.

Their progress.

A paper, which the reader will find in the notes *, was likewise put into Morton's hand,

* "First, That in regard her son had been crowned king, by virtue of her demission, and his coronation ratified by the three estates of parliament, and that since that time a great number of the subjects had professed obedience to him and his regents, which was to be interpreted in the best part, as done out of duty, and not out of any ill mind towards their queen; the obedience so yielded to the king and his regents, should be allowed from the time of the demission of the crown, made by her, unto the resumption of the same: and all manner of acts done since that time in the administration of justice, and for government of his state, should be reputed good and lawful, or at least reviewed and confirmed in the next parliament, after consideration taken of the same by twelve lords, whereof six should be named by the queen and her commissioners, and the other six by the commissioners for the king's part.

"Second, That all statutes and ordinances made concerning matters of religion, and the ministers thereof, since the same time, should be observed by all the subjects of Scotland, and no pardon nor dispensation granted in time coming to any person not observing the same, without consent of the said twelve lords.

"Third, That all processes, sentences, and judgments, given either in causes civil or criminal, since the said time, wherein the order of the laws of the realm had been observed, should remain in force, and only such sentences as had been pronounced, either in the name of the king or queen, against any person, for not obeying or acknowledging either of their titles, be rescinded; the sentences always pronounced against the earl of Bothwell, or any others, for the murder of the queen's husband, standing good and valid.

"Fourth, That all ecclesiastical benefices and temporal offices, which have usually continued in the person of any, during

containing the heads of the pacification agreed on by the English ministry. The answer of the

A. D. 1571.

ring the term of life, should remain with the same persons that held them at the time of the queen's demission; such excepted as may be proved to have consented to the murder of her husband, or that have left them upon recompence, and with their own consents: in which cases the present possessors should enjoy the same, unless they were incapable, and declared by the twelve lords to be such.

“ Fifth, That all strengths, castles, and houses, appertaining to the crown, should be restored to the possession of those who held them at the time of the queen's demission, except they had parted therewith upon agreement; in which case the queen, with consent of the said twelve lords, or the most part of the council, should dispose thereof.

“ Sixth, That the jewels, plate, moveables, and implements of houses, belonging to the queen at the time of her demission, should be restored, provided the moneys which any had laid out for the same, were repaid; and for such as had been put away by the direction of the regents or council, that recompence should be made, by the queen, to the party according to the just value.

“ Seventh, That a law should be established in parliament, for oblivion and remission of all things done since that time, after the same manner that was done in the year 1563. Providing, not the less, that the comptroller, treasurer, and other receivers of the crown revenues, should give an account to the queen of all sums of money, or other profits which had not been expended, bona fide, for the affairs of the realm, or by order and warrant from the regent, and others trusted with those affairs; neither should the remission be extended to any that had taken by force any houses, castles, lands, or heritages, belonging to others, but restitution should be made thereof to the party dispossessed, or to his heirs, till the same, by order of law, be justly determined. In like manner, concerning goods moveable, taken away from the owners against their wills, and being yet in their own nature extant, that restitution should be made thereof. And because many doubts might arise upon this article, the same should be determined by the foresaid twelve lords or others, as was devised for the execution of the act made anno 1563.

“ Eighth, That, for the more quiet government of the realm, there should be appointed a privy council, which should consist of twelve lords spiritual and temporal, besides the other ordinary officers

A. D. 1571. earl of Morton to those demands was to the following purpose: "We have seen and considered the note of the heads which is thought of by your lordships, for pacification betwixt the queen, mother to the king our sovereign, and his subjects, for the controversy of the title of the crown of Scotland betwixt his highness and the said queen his mother; if it be found probable, that her demission of the crown may be, and is lawfully to be, revoked by her.

"And therewithall we have diligently perused our commission and instructions, to know how far we might enter into treaty upon the same

officers that do usually attend. And that the said council should be established with the like provisions that were made at the return of the queen out of France, anno 1561; so many as were then counsellors, and yet alive, being counted of that number; and that the earl of Lenox, because he was most bound by nature to take care of the king, should be one of the council, and have place therein according to this degree.

"Ninth, That for the greater safety of the king's person, he should be brought into the realm of England, and there governed by such noblemen of Scotland as depend of him; so as he may be ever ready to be restored to the crown, if the queen, his mother, break the covenants agreed betwixt her and the queen of England.

"Tenth, That for his entertainment he should not only have the revenues which the princes of Scotland in former times possessed, but also the rents and offices belonging some time to the earl of Bothwell.

"Eleventh, and last, That a convenient number of hostages, being all noblemen, and of those who have adhered to the queen, and solicited her delivery, should enter into England, to remain there for assurance of observing the conditions made both to the king of Scots and the subjects under his obedience, and to the queen of England for the peace and quiet of her dominions; and that the said hostages should be entered into England before the queen of Scots shall be put at liberty." Spotswood, p. 249, 250.

heads,

heads, for satisfaction of the queen's majesty A. D. 1571.
 and your lordships, to whom the hearing of
 the cause is appointed. But after consideration
 of the same, we find ourselves no ways able or
 sufficiently authorized to enter into any treaty
 or conference touching the king our sovereign's
 crown, the abdication or the diminution of his
 sovereignty, or the removing of his person:
 for as we profess ourselves his highness's sub-
 jects, having no power or commission but of
 his majesty to treat for him, in his name and
 behalf, in matters tending to the maintenance
 of the true religion, and for the increase and
 continuance of the amity and common quiet
 of both the realms; so can we not presume to
 abuse the same our commission, in any case
 that may prejudice him; which we trust your
 honours will well consider of, and allow of the
 same accordingly."

Elizabeth pretended to be highly disobliged
 for their presuming to obstruct the progress of
 the treaty, and again called upon them to
 justify their conduct against their mistresses.
 Morton, upon this, gave in a long paper jus-
 tifying the deposition of Mary from civil,
 canon, and municipal laws, strengthened by
 examples drawn from Scotch historians, and the
 opinions of divines. It is here extremely re-
 markable, that no notice is taken either by Eli-
 zabeth or Morton of the silver-box papers,
 though they were formerly held as the chief,
 if

if not the sole, evidences of Mary's guilt; and though Elizabeth had declared, that if they could be proved to have been written by Mary, she never would suffer her to be restored to her crown. Morton was so sensible that Elizabeth knew them to be forged, that he did not even venture to mention them, and far less to produce them; though, had they been genuine, the sight of them would have sufficiently answered her demand. Elizabeth at their next audience informed them, that she was by no means satisfied with their reasons, and that she highly resented the bitter speeches and indecent liberties which they used in depressing the authority of princes: she therefore desired that they would go to the second head, and devise what they judged most expedient for their king's and their own safety. Their answer was, that they had no orders to treat concerning the diminution of their king's authority, and that they would have rejected any such commission, had it been offered them. At the same time they begged that they might be permitted to return to their own country. Elizabeth referred them to her council, who demanded their answer as to the heads of the pacification; but their answer was, as before, a total negative to any thing that might injure or diminish their king's authority.

During this transaction between Elizabeth and the regent's commissioners, conferences

were

The nego-
iation
finished,

were going on between those of Mary and the English ministry. The lord keeper Bacon, perceiving that the former more than suspected Elizabeth's and Burleigh's intention to be only to gain time, and therefore refused to agree to the proposition of putting the forts into the hands of the English, told them very plainly that all the forts and nobility of Scotland were not an adequate security for the quiet of England: "And (added he) would the queen of England take advice, and good advice too, she never would suffer the queen of Scotland to depart out of her hands." This audience, in fact, finished this promising treaty; but Elizabeth endeavoured to varnish over the inconsistencies and duplicity of her conduct. She observed, though she detested the general doctrine of deposing sovereigns, yet that when it was applied to the particular constitution of Scotland, she could not blame the young king's commissioners for not agreeing to any definitive articles without taking the sense of their parliament, which was to meet in the May following; and therefore she gave Morton leave to return to Scotland for new powers, with a promise to Mary and her commissioners that she would renew the treaty next May. In the mean while she wrote a most scandalous letter to the earl of Shrewsbury, informing him, that as she knew Mary and her friends would look upon this delay in the very worst light, and consequently

A. D. 1571.

Dated
March 24.

re-

to the great
displeasure
of Mary
and her
friends,

328
A.D. 1571. renew their practices against her state and for her escape, that therefore he should take special good heed to his charge. As Elizabeth had foreseen, Mary no sooner heard that the treaty was protracted, than she broke out into the most bitter invectives against Elizabeth and her ministers. Lesley, at the same time, treated all Elizabeth's pretexts for the delay as a mere farce. He put her counsellors in mind that Morton could bring no new powers but from those who were Mary's declared enemies, and equally guilty with himself; that both Elizabeth and Randolph, her minister in Scotland, had repeatedly declared that Lenox had no will but hers; and that he durst do nothing but as she should direct: that nothing had arisen in the course of the treaty but what Elizabeth might easily have foreseen; and that it was plain, from the whole complexion of the negotiation, it was a game of state, contrived to keep his mistress in perpetual durance. No answer, at least none that was solid, could be given to those complaints; but Elizabeth endeavoured to soften Lesley by promising to renew the negotiation, and to bring it to an absolute conclusion the following May, and owning that she perceived from Morton's commission that he required new powers. The English ministers made use of the same language; but Lesley, who was re-inspired by the fresh supplies of money

money, and promises of assistance, which Mary and her party had received from abroad, told them plainly, that he had been abused by the hopes they had given him of the negotiation; that he had abused his mistress and his country in assuring them of its success; that he should betray them if he was to advise their negotiating any longer; and therefore warned them to provide for their safety, and that of their country, unless their mistress was prevailed upon immediately to put the last hand to the treaty. To this it was answered, "that Elizabeth herself was the best judge of that measure." And thus the conferences betwixt them and Lesley, at that time, broke off.

The French and Spanish embassadors being informed of what had passed, were of opinion that Morton ought either to be detained at London, or brought over to Mary's interest. A conference was accordingly proposed between him and her commissioners. Morton objected to Lesley's being present at the interview; but agreed to confer with Mary's other two commissioners, who found him so determined an enemy to her cause, that the meeting broke up without any effect, and Elizabeth licensed Morton and his associates to return to Scotland. As to Mary, she complained that her enemies in Scotland were supported by England in their hostilities against her friends;

who fail in bringing Morton over to their party.

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while her allies abroad, in consideration of the armistice, delayed sending any troops to her assistance; and therefore she was resolved not to prolong the truce, but to leave her friends at liberty to defend themselves, and annoy her enemies. In the mean time, she ordered the lord Levingston and the bishop of Galloway to repair to her. Elizabeth gave them safe-conducts, and ordered Lesley to leave London at the same time; but he insisted upon the privileges of an ambassador, and the commands of his mistress to remain where he was. Elizabeth repeated her orders, but received the same answer; so that she was driven to the alternative of either suffering the bishop to continue his dangerous practices at London, or to deny him the privileges of an ambassador.

Civil war
renewed in
Scotland.

Mary had great reason for complaining of the armistice in Scotland. Lord Semple had possessed himself of the abbey of Paisley, which was the private property of lord Claud Hamilton, who accordingly dispossessed him of the house, and filled it with his own followers. Though this was a family quarrel, the regent considered it in another light; and raising some forces he besieged the place, which was surrendered to him at discretion; and the garrison being carried to Edinburgh, all of them were hanged at the cross, though lord Claud had, at that very time, a considerable number

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number of the regent's friends his prisoners. This success of the regent was supported by the zeal of the clergy. Knox was still alive; and he and his party declaimed with greater fury than ever against Mary and her friends. Their expressions of rancour, which they threw out of their pulpits on that subject, were unbecoming not only christians, but men, and are therefore shocking to humanity.

The day after the armistice was expired, the regent executed a scheme which he had formed for surprizing the castle of Dumbarton. That fortress was commodiously situated for Mary's party in the west, and had been of vast service to her affairs. It was commanded by lord Fleming, who presuming on the natural strength of the place, was far from being strict as to the discipline of his garrison. The castle itself was situated on a rock, high, and almost inaccessible, and in an angle formed by the confluence of the rivers Clyde and Leven, from whence there opens a plain, which extends about a mile to the foot of adjoining mountains. In short, its natural strength was such, that it was at this time deemed impregnable. The regent communicated his scheme to one captain Crawford of Jordan-hill, who associated with himself two other captains, Hume and Ramsay, who were likewise brave experienced officers. They soon found out one Robertson, who had been a soldier of

Dumbarton
castle taken
by the re-
gent.

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the garrison, was acquainted with every foot of the rock where the castle was accessible, and who, from some personal disgust he had received, appeared as willing to lead the attempt, as they were to engage him; for he put his daughter and son-in-law in the regent's hands as pledges for his fidelity, which was farther secured by a considerable sum advanced, or promised him. Scaling-ladders being absolutely necessary, they were provided; but as the march of the troops necessary for the enterprize, might come to the knowledge of the garrison, a party of light horse, under one Cunningham, was sent the day before to cut off all communication between the castle and the adjacent country. Crawford marched with his men from Glasgow; and by midnight he was joined by the other two officers, with a hundred more. Being arrived at the bottom of the rock, he, for the first time, opened to his party the noble service in which they were to be engaged; shewed them Robertson, who was to lead them on; and acquainted them, that if the hearts of any among them failed, they were then at liberty to depart. This was so far from being the case, that each contended for a share of the honour. About an hour before day-break, the moon, which before was bright, being then clouded, they applied their ladders to that part of the rock which was highest, and therefore the worst guarded. At first

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first the ladders slipped, and those who were mounting them tumbled down; but this circumstance, discouraging as it was, encreased their resolution, and at the same time their caution. They refitted their ladders with greater firmness; so that Robertson and Crawford gained the middle of the rock, where they found an ash shrub growing in a flat, which gave them the conveniency of standing. By fixing the ropes to this shrub, those behind them were enabled to mount the flat, and to draw their ladders after them. These being planted anew, they began again to mount; but one of the soldiers, when mid-high, was seized with an apoplectic fit, which rendered him immovable. This might have disconcerted their operations, as they thought it would have been cruel to throw him down, had not Crawford, with admirable presence of mind, ordered the man to be tied to the rounds, and the ladder to be turned; so that the whole party mounted over his belly to the top of the rock on which the wall was built. It was with some difficulty that they fastened their ladders anew, but nothing could withstand their resolution; and Ramfay was the first who gained the top of the wall, where he dispatched with one blow a sentinel who had alarmed the garrison. These were thrown into such consternation, that they ran different ways, without assembling in a body, or making resistance; so that the assailants

A. D. 1571. failants shouting out "a Darnley! a Darnley!" became masters of the cannon and the magazines. The governor was the only person in the garrison who made his escape in a small boat, which carried him to Argyleshire.

The arch-
bishop of St.
Andrew's

April 5.

condemned
and exe-
cuted.

Besides the common soldiers, the archbishop of St. Andrew's and Verac the French ambassador were made prisoners. The latter was set at liberty next day; but the former, with two other gentlemen of distinction, were sent under a guard to Stirling. In the afternoon of the morning that this exploit, one of the most hazardous and difficult of any that history can produce, was performed, the regent arrived in person at Dumbarton. After reviewing the incredible difficulties of the undertaking, he paid a visit to the governor's lady, whom he treated with the greatest politeness and generosity; for he not only allowed her to carry off her plate and furniture, but he even settled upon her part of her husband's estate, which had been forfeited in the beginning of Murray's regency. Three days after, the archbishop was indicted of high treason upon the following heads: first, "That he knew, and was participant, or accomplice, in the murdering of king Henry, the queen's husband. Secondly, That he conspired against the king's person at the murdering of the first regent, intending to have surprized the castle of Stirling, and to have been master thereof at his pleasure. Thirdly, That he knew,

or

A. D. 1571.

or was participant of, the murder of James earl of Murray, the late regent. Fourthly, That he lay in wait at the wood of Calendar, for the slaughter of Matthew earl of Lenox, the present regent."

It is difficult to say what could be meant by this indictment, since the bishop, in fact, was not sentenced upon it. Being called to the bar, he very properly insisted upon being proceeded against in the common methods of trial, and to be allowed a farther day. His request not being complied with, he behaved with a calmness and dignity suitable to his character. He solemnly denied the first, second, and fourth articles of his charge; but to the third, if we are to believe a contemporary authority, he candidly answered, "I not only knew thereof, and would not stop it, but rather furthered the deed thereof, which I heartily repent, and ask my God mercy for the same *." One Robertson, a priest, was brought to convict him upon the first article; but all his evidence amounted only to a confession which had been made to him by one of the archbishop's servants upon his death-bed. Upon the whole, none of the charges seem to have been proved, or at least the method of his trial was so indefensible,

* No mention being made of such a confession by Buchanan or Knox, the fact is justly questionable, because, had it been made, it would have gone far to have convicted the archbishop upon the indictment.

that

A. D. 1571. that he was condemned upon a sentence of forfeiture that had been pronounced against him in one of the regent Murray's parliaments; and so eager were his enemies for his blood, that he was, that very night, without regard to decency or humanity, hanged upon a growing tree.

**Lives of the
Scots
writers.**

**His cha-
racter.**

Great pains have been taken by Dr. Mackenzie, and other writers of a popish cast, to vindicate the character of this prelate from the charges brought against him by Buchanan and his enemies, some of which are ridiculous, and others ill founded. Among these are incontinency, while he was a young man; but it appears that he was married before he took orders, and that the son he left behind him was legitimate. It cannot be denied, that notwithstanding his attachment to popery, he was moderate in his religious sentiments, though the catechism which he published gives us no high idea of his theological learning. I have, in the course of this history, pointed out the blameable parts of his conduct; but in the main he appears to have been a prelate of great address in business, and well fitted to be the leader of a party. His chief political demerit was his violent attachment to the family of Hamilton, the head of which was very unequal to the high station he filled; so that the archbishop was under great disadvantage in being obliged to act a subordinate part under him and his eldest son, who

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who died a lunatic. The same family zeal impelled him to some very improper steps immediately before Mary lost the battle of Langside. But, with all his failings, it must be acknowledged that he met with a hard fate chiefly through the aversion which the earl of Lenox had to the Hamilton family, and an invincible prepossession he retained of his being accessory to his son's death. To conclude : his death was an irreparable loss to Mary and her friends, and may be considered as giving the finishing blow to the popish interest in Scotland, which had hitherto been supported by the heads of the Reformation. Though this may seem to many of my readers a paradox, yet nothing is more certain than that the protestant noblemen, finding their preachers were determined to have the church livings (many of which were in lay hands) brought to account, and vested in themselves, opposed them vigorously, and chose that the revenues should remain with the popish incumbents, rather than that they should part with what they had so rapaciously and illegally acquired ; but of this more hereafter.

The scandalous manner in which the archbishop of St. Andrew's had been executed, the loss of Dumbarton, and, above all, the treatment of Mary by Elizabeth, exasperated Mary's friends in Scotland to the last degree ; and they no sooner understood that Mary had ordered the armistice not to be renewed, than they assembled

Mary's party
in possession
of Edin-
burgh.

A. D. 1571. their whole force, with an intention to make severe reprisals. Kirkaldy still kept possession of the castle and town of Edinburgh, and had deprived the citizens of all their warlike magazines, by carrying them to his garrison. The duke of Chatleheraut, the earls of Huntley and Hume, the lords Herries, Boyd, and other friends of Mary, repaired to that metropolis, where they took upon themselves the exercise of the government. They required that Mary should be prayed for by name in the churches; upon which Knox left the town, and the bishop of Galloway supplied his place as minister of St. Giles's church. The regency of Lenox was declared to be illegal, and all his adherents were commanded to leave the town in six hours. They compelled the clerks and keepers of the registers to deliver up all the books and records relating to the parliament; and, in short, they omitted nothing that could render the meeting of the regent's party ineffectual. Morton, who was the soul of the latter, without being disconcerted by those threatening appearances, seized and fortified Leith; and after consulting lawyers, he found that the meeting of the parliament, which had been summoned to Edinburgh, would be legal, if it was held in that part of the Cannongate which is within the franchises of the town.

The regent holds a parliament in the Cannongate.

To provide a proper guard to protect the regent and his party, the two active officers

Hume

Hume and Ramfay were sent from Dalkeith to Leith, with money to hire soldiers. It appears that the Cannongate, as well as Leith, was then in possession of the regent; for when the two captains marched by the east part of the town, they wantonly fired some shot through the gate. The citizens were in no disposition to resent this insult, and the party marching on returned with their recruits. They were encountered by a detachment from the garrison of the castle, headed by some of Mary's lords; but the latter behaved ignobly, and, to the discredit of the cause, were beat back into the town by the two captains. If the miseries of Scotland could admit of any addition, they received it on this occasion. Even children ranged themselves under the banners of the two parties; and among grown persons their animosities were carried into bloodshed: so that at last the soldiers of the two factions took possession of the houses of the moderate party on each side, and lawless fury every where prevailed. Mary's friends, though the most powerful, could not prevent the meeting of the regent's parliament in the Cannongate, under all the thunder of the artillery discharged from the castle. It consisted of the earls of Morton, Mar, Glencairn, Crawford, (now of the king's party) Buchan, and Monteith; the lords Keith and Graham, as proxies for their fathers; the earls of Marshal and Montrose; the

A. D. 1571. lords Lindsay, Ruthven, Glamis, Yester, Methven, Ochiltree and Cathcart, two bishops, nine abbots and priors, with twenty commissioners of burghs. Short as the time of their sitting was, they forfeited Maitland, as guilty of high treason for being an adviser of Darnley's murder. His brother, who was prior of Coldingham, underwent the like sentence; as did the abbot of Kilwinning, the son of the late archbishop of St. Andrew's, and several other friends of Mary. This business being finished, the parliament was prorogued to the thirtieth of August, to reassemble at Stirling.

Morton obtains the archbishopric of St. Andrew's.

It would tire the reader's patience to enter into a detail of the fresh miseries which those forfeitures occasioned in Scotland. The regent, who went from Edinburgh to Stirling, and who considered himself in some sense as a foreigner or an Englishman, looked upon all the horrors of civil war with great indifference, and sometimes with pleasure, when they were discharged against his enemies the Hamiltons. Morton remained at Dalkeith; but so hated and unpopular, that he was obliged to hire a guard of Danish soldiers to protect his person. He had his eye fixed upon the archbishopric of St. Andrew's, which he had persuaded the regent to bestow upon a gentleman of the name of Douglas; and by his advice he took upon himself the title of archbishop, though the earl was to engross the chief part of the revenues, which he

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he was actually in possession of. This raised an outcry against him among the clergy of all persuasions; but he set them at defiance; and in order to secure his new acquisition, he had some thoughts of a pacification; and for that purpose he had a private conference with the lord Boyd, to whom he delivered his plan, drawn up with his own hand. Boyd carried it to Mary's lords at Edinburgh, who were now so confident of success that they rejected it; and they became so suspicious of Boyd, that from being one of Mary's firmest friends, he was now forced to attach himself to the opposite party. The confidence of the royalists was increased by the arrival of Sir James Kirkaldy, brother to the governor of the castle, from France, and his bringing with him a supply of ten thousand crowns, and a large quantity of arms and ammunition. Kirkaldy landed his cargo at Leith; and though the fortified part of that town was in the hands of the regent, yet he was so well protected by a strong detachment sent from Edinburgh, that the money, arms, and a large quantity of wine, were carried without resistance to the castle. After this, the loyalists distributed parties of soldiers through different quarters of the town, and ordered all the regent's party to leave it. Upon the regent's retreat to Stirling, the loyalists burnt the house where his parliament had met, and the houses of his friends in the suburbs, and made dispositions

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positions for pursuing him to Stirling; but they found that it was too late, he having pushed forward with the horse, and the earl of Morton having returned to Dalkeith with the foot.

He keeps
possession of
Leith and
Dalkeith.

Had it not been for the conduct and intrepidity of Morton, who still kept possession of Leith and Dalkeith, the king's party must at this time have been extinguished in Scotland. Besides his Danish guard, which had been brought over by one captain Wemys, he had with him a small body of veteran soldiers, who had served under the regent Murray. Well knowing, however, the weakness of the regent's party, and conscious of his own unpopularity, he secretly advertised Elizabeth in what a dangerous condition her friends were in Scotland, and the necessity of her interposing to save them. Elizabeth (who still affected a great shew of impartiality) ordered Drury, the marshal of Berwick, to mediate between the two parties, and privately to confer with the regent's friends how to recover the castle and town of Edinburgh from the loyalists. In the mean while, the latter, in hopes of retrieving the reputation they had lost by not intercepting Morton, and by suffering him to form, in a manner, a blockade of the capital, by cutting off its supplies of provisions, and pressing both men and horses into his service, formed a plan, which was to be conducted by the earl of Huntley and

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and lord Claud Hamilton, for surprizing Morton at Dalkeith. They accordingly marched out with a body of horse and foot; but as soon as day broke, they found Morton, who had been apprized of their intention, ready to receive them at the head of a small but well disciplined party. The loyalists attacked him; but, notwithstanding their superiority of numbers, they were beaten back: they soon, however, rallied, and returned to the charge. It is hard to say what the event might have been, had not a quantity of powder which the loyalists carried along with them taken fire, and killed a number of their men, with one of their most active officers. The loss on both sides was inconsiderable; but Mary's friends were disheartened by the miscarriage of the attempt, and the resolution with which the small handful under Morton fought.

He keeps
to the
A skirmish
Dalkeith.

Such was the state of affairs when Drury arrived at Edinburgh, where he was received with great respect by the loyalists. The appearance of a minister from the queen of England gave such spirits to the regent and his party, that they empowered Drury to demand that Kirkaldy should surrender the castle to the regent, who consented that he should march out with bag and baggage; and that all the loyalists should abandon the city, upon assurances of a general indemnity for their rebellion against the young king. This condition was rejected, though the regent agreed that

Kirkaldy

Arrival of
Drury from
Elizabeth.

A. D. 1571.

Kirkaldy should keep possession of the castle till the indemnity was expedited. All that the loyalists could be brought to, was to consent to withdraw their troops from the town, provided neither the regent nor the earl of Morton should enter it; and that Kirkaldy should retain no more than a hundred and fifty men, who were to lye under the cannon of the castle, besides its ordinary garrison: those terms being rejected, the treaty came to nothing.

Mary's parliament
meets.

The loyalists imagined that the name of a parliament gave great sanction to their enemies in the eyes of the public, and therefore resolved to avail themselves of the same advantage. They therefore summoned a parliament to meet on the second of June, in the town-house of Edinburgh. The members being accordingly assembled, a paper, which Spotwood calls a Supplication, was presented to them in the queen's name, reciting the treatment she had received when she was forced to resign her crown, and desiring them to declare the said resignation to be null in all time coming. The assembly agreed to this supplication, and a statute was passed declaring the nullity in the most ample terms. By another statute it was ordained, "That none should innovate, alter, or pervert the form of religion and ministration of sacraments, presently professed and established within the realm; but that the same should have free course, without any lett or impediment

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impediment thereto." By the same act, the superintendants, ministers, exhorters, and readers in churches, were commanded in their public service to pray for the queen, as their only sovereign, the prince her son, the council, the nobility, and the whole body of the commonwealth; and that all coins and public acts should run in her name. Those statutes were proclaimed at Edinburgh on the thirteenth of June; nor do I find that the assembly went upon any other business, excepting ordering another parliament to be held in August.

The loyalists defeated.

The regent and his party were all this while strengthening and enlarging the fortifications of Leith, and daily skirmishes passed between the two parties almost at the gates of Edinburgh, with various success. Drury's negotiation still went on; but the loyalists resolved to attack Morton once more. The latter drew out his men in order of battle; and, notwithstanding Drury's mediation, an engagement followed, in which Morton was again victorious. The loyalists were driven back to Edinburgh with considerable slaughter; an hundred and fifty prisoners, among whom was the lord Hume, were taken, as were a number of horses, and two field-pieces, all which were carried in great triumph into Leith. The lord Hume was soon after exchanged for the baron of Drumlanrig, and other exchanges of the same kind were made. In this encounter the

Spotswood,
June 16.

A.D. 1571.

most considerable person who fell on the queen's side was the abbot of Kilwinning, who, tho' devoted to the Hamilton family, had generally declared himself for moderate measures. Morton lost only captain Wemys, and a common soldier.

Moderation
of the re-
gent.

This fresh defeat, instead of damping, exasperated the loyalists. They laid the blame of their disgrace upon Drury's having betrayed them; and Kirkaldy told him to his face he had acted so vile a part, that were it not that he respected his public character, he would send him to prison. Drury threw all the blame upon the earl of Morton, and was endeavouring to renew his negotiation, but the loyalists refused to hear him; and all the favour he obtained was to protect him from the incensed soldiery till he reached Leith, to which place the regent repaired upon hearing of Morton's success in the late encounter. His proceedings were far from being sanguinary. One captain Cullen, who had a handsome wife, was the only prisoner who suffered death, the rest being dismissed upon their promising not to serve against the king.

A new supply of money and arms arrive from France.

This moderation had an excellent effect, and procured the regent many friends among the country people; but while he remained at Leith, a French ship appeared in the Forth, on board of which were Verac, the French agent, and one Chisholm, an agent for Mary, who had

had procured a fresh supply of men and arms from the French king. Chisholm having some intelligence that Leith was in the hands of the king's party, privately landed the money, and consigned it to the abbot of Inch-corm. Notwithstanding his precaution, both he and Verac were apprehended by the lord Lindsay. Verac's papers being seized, an account of the money that had been given to Chisholm was discovered: and being put to the torture, he confessed all he knew of the money; so that the whole of it fell into the regent's hands, as did the ship, with all the arms and ammunition; but it was retaken, as it was sailing for Stirling, by Sir David Spence, the most fortunate of all Mary's partizans; and he carried the crew prisoners to Edinburgh, together with the valuable cargo he had recovered.

While the civil war was thus raging in Scotland, Elizabeth sent fresh instructions to Drury to renew the armistice, and offered to send commissioners to the borders, who should endeavour to reconcile both parties, and remove all differences public and private. He was likewise to endeavour to prevent the meeting of either parliament in August, and to stop all forfeitures in the mean while. With those instructions, a letter of safe-conduct was sent, empowering Kirkaldy to name any commissioners he pleased (Maitland, and the re-

Elizabeth's
instructions
to Drury

A. D. 1571.

are rejected
by both
parties.

puted murderers of Darnley, excepted) to treat with Elizabeth's commissioners.

Those proposals were equally disagreeable to both parties. The loyalists still continued to flatter themselves with the hopes of a powerful diversion from France, and no regard was paid by Kirkaldy to Elizabeth's offer. The regent, on the other hand, found himself in a most disagreeable situation. He knew that he was hated by Elizabeth, who had detained his wife and family as hostages for his behaviour; and he had discovered that Morton was secretly making interest for the regency, and had made advances for that purpose to some of the loyalists. The regent unbosomed himself to his private favourite, Ramfay of Drumquhaisel, the same who had been so active in reducing the castle of Dumbarton. Ramfay, besides being an excellent officer, was reputed, next to Maitland, to be the ablest politician, and the most eloquent speaker in Scotland; so that the regent, disgusted with Morton's avarice and overbearing behaviour, had thrown his eyes upon Ramfay, as a counterpoise for that insolent nobleman. Morton more than suspected this by the regent's late conduct, and threatened to leave him to his own counsels, and those of his favourite. Lenox had not firmness to carry his design into execution; and Morton refusing to be reconciled to him upon

upon any other terms, he had the meanness A.D. 1571
to order Ramfay, under a penalty, not to appear within ten miles of his person.

Thus disagreeably circumstanced was the regent, when Drury called upon him to give an answer to Elizabeth's proposals concerning the armistice. It contained in substance, that he could grant none, without evident prejudice to the king's cause, as long as Edinburgh was in the hands of the opposite party; that as to other matters, he could come to no resolution without consulting the states, who were to meet in August, when he did not doubt they would give Elizabeth all reasonable satisfaction. It was about this time that Morton, to prove how well he deserved the regent's confidence, prevailed upon the earl of Argyle to accept of a place at the council-board, being, at the same time, appointed justice-general, keeper of the great seal, and lord high-chancellor of Scotland for life. The defection of this powerful nobleman, who had so greatly distinguished himself in Mary's cause, is, by Crawford, attributed, though I think without good grounds, to ignoble motives. He says, that the earl, as well as the other new convert, lord Boyd, had ample assignments out of the patrimony of the church; and that he had changed his party that he might be divorced from his wife, and marry Boyd's daughter, who was one of the greatest beauties of that age.

Crawford;

A D. 1571. age *. It is far more probable, that both those noblemen, touched with the miseries of their country, had gone over to the regent in hopes of ending them by some reasonable accommodation; but this was soon found to be impracticable.

A double
Parliament.

The continuance of this bloody civil war had exhausted the nation so much, that the associators (for so the regent's party was called) could raise and pay no more than a hundred horse, and seven hundred foot. The standing forces paid by the loyalists were no more than a hundred horse, and five hundred foot, exclusive of Kirkaldy's garrison. We are not, however, to suppose, that those two bodies were the only strength of the two parties; for there can be no doubt that the nobility and great landholders had their separate followings, who were not in regular pay. Some unsuccessful attempts were made by the associators to surprize the town of Edinburgh, which induced the loyalists to fortify it towards the east; and such was the state of the war, carried on by contemptible numbers, but with an infernal spirit of revenge and animosity, when the parliament of both parties met, the one at Edinburgh, and the other at Stirling, towards the end of August, in consequence of their proro-

* I meet with no mention in the last published Peerage of Scotland, either of this divorce or marriage, though both are very confidently asserted by Crawford.

gation. According to archbishop Spotfwood, A. D. 1571. that of the loyalists sat down on the twenty-second, and contained no more than two bishops and three noblemen who were legally qualified to vote. They ventured, however, to pronounce sentences of forfeiture against two hundred of the opposite party, in which the regent, and all the noblemen who adhered to him, were included.

The parliament of the associators at Stirling Proceedings
of that at
Stirling. made a more brilliant appearance, and met on the twenty-eighth of the same month. The members, in general, were disposed to a coalition, to which the regent was by no means averse; but Morton, who had now entirely devoted himself to Elizabeth, and was secure of her protection, opposed every measure that could lead to an agreement; and to render the opposite party more odious to the nation, he publicly gave out that they intended to re-establish popery. To give the greater sanction to their meeting, the young king was present the first day, when the members could not avoid pronouncing sentences of forfeiture against the duke of Chatleheraut, his two sons, the earl of Huntley, Kirkaldy, and the other heads of the loyalists. The earls of Morton, Mar, and Glencairn, the lords Semple, Ruthven, and Glamis, the bishop of Orkney, the abbots of Dumfermling and Inchcolm, Sir John Ballendine, justice-clerk, and Macgill,

A.D. 1571.

Macgill, the clerk register, or any four, or three, or two of them, were commissioned to repair to the court of England, in order to treat of a pacification, and of a league offensive and defensive between the two realms; but a fatal catastrophe intervened.

Continu-
ance of the
civil war.

By the meeting of the associators at Stirling, their forces were so much divided, that the loyalists beat them in the field, and took Hali-burton, one of their chief officers, and one and fifty common soldiers prisoners. Gallowies were erected for hanging them all; but they were spared at the intercession of the captors. This slight success encouraged the loyalists; and if we believe the writer of Melvil's Memoirs, Kirkaldy formed a decisive enterprize, which, had it taken effect, must have been fatal to the associators, or have restored peace to his country. The project itself was grand, though simple and probable, being no other than that of surprising the members of the Stirling parliament in their beds. Kirkaldy, who was well informed of the security in which the associating lords lived at Stirling, communicated his ideas to a few friends he could trust; not as a project of revenge, but as a measure that could best answer the wishes of all good patriots. They approved of his scheme; but he insisted upon conducting the enterprize in person, which they opposed, on account of the importance his safety was to their cause; and he

A. D. 1571.

he was over-persuaded to trust the execution of it to the earl of Huntley, lord Claud Hamilton, and Scot of Buccleugh, a young gentleman of great accomplishments, and entirely devoted to Kirkaldy, who had sent for him from the borders, because he could trust him in conducting the enterprize. Kirkaldy being thus dissuaded from heading the party in person, earnestly recommended to his friends, and particularly to the gallant Sir David Spence, the safety of the regent's person.

Four hundred troops, most of them horse, who had been brought from the borders by Buccleugh and Farnihurst, were allotted for executing this important service; and the better to keep the secret, it was given out that they were intended to reduce Jedburgh to the queen's obedience. They accordingly set out southwards, but had no sooner lost sight of Edinburgh than they directed their march to Stirling, where they arrived at four in the morning, on the fourth of September, under the direction of one Bell, who was a native of the place. They entered the town without the smallest opposition, or even being observed; and the proper dispositions being made by Bell, the lodgings of the regent, the earls of Glencairn, Argyle, Cassils, Eglington, Montrose, and Buchan, with those of the lords Semple, Cathcart, and Ochiltree, were surrounded, and themselves made prisoners without resistance.

Attempt to
surprise the
regent,

A. D. 1571.

The earl of Morton was the only nobleman who bravely refused to surrender, and defended himself till he was in danger of being consumed by the flames of his lodging. Being thus forced to yield, the party were for returning immediately to Edinburgh; but their leaders found more than half their number employed in pillaging shops, and breaking up stables, from whence the borderers carried off all the horses. While the loyalists were endeavouring to collect their men, the alarm reached the earl of Mar, who was governor of the castle. He sallied out at the head of thirty musketeers; and gaining his own house, he fired upon the loyalists so warmly, that they were thrown into disorder; and the townsmen running to arms to assist their governor and the captive lords, the loyalists all of a sudden lost their spirits, which had been raised too high before. Some implored the protection of their own prisoners, others threw down their arms, and others fled; so that the rout became general. Sir David Spence, as he had promised Kirkaldy, had the care of the regent, and had carried him out of the town. Being pursued by the townsmen, one captain Calder ran the regent through the body, though Sir David Spence endeavoured to save him at the hazard of his own life; but the townsmen coming up, he was hewed in pieces, though the regent exerted all his little remaining strength in endeavouring

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deavouring to save his life*. Few of the loyalists would have escaped, had it not been that the borderers carried off all their enemies horses. Six, including Spence, were killed, and twenty-six made prisoners; among whom were Buccleugh, Bell, and Calder. The number of the slain on the regent's part is uncertain; perhaps they were about thirty, the most eminent of whom were Alexander Stewart, younger, of Garlies, and George Ruthven, brother to the lord Ruthven.

defeated.

The miscarriage of this well planned enterprise, which does so much honour to the genius of Kirkaldy, was chiefly owing to the obstinate intrepidity of Morton. The words by which the conspirators distinguished one another were, "God and the queen, and think on the archbishop of St. Andrew's." No fewer than five hundred armed men, besides the inhabitants, are said to have been in Stirling when the attempt was made. The regent, though his wounds were mortal, was carried on horseback to the castle, where he died a day or two after with great sentiments of piety and resignation, recommending to the nobility, whom he had ordered to attend him in his last hours, the care of the king his grandson, and his kingdom; and charging the earl of Mar, whom he

Death of the regent.

* Bishop Spotswood and other historians say that the regent was shot, and that the same ball which killed him killed likewise Sir David Spence, who did all he could to save him.

A.D. 1571. held by the hand, to comfort his wife. We have in Crawford a copy of the speech which he is said to have made at his death, and which was afterwards printed with many spurious additions. He was buried with little solemnity in the chapel of Stirling castle; nor do I perceive that his death was much regretted.

His character.

The most partial favourers of his memory must admit, that though he had seen a great variety of life, and experienced many reverses of fortune, yet he did not profit much by experience, and must have made but a poor figure in any country, had it not been for the fine figure of his person, and his high connections by marriage. The blame of the most unpopular acts of his government (the scandalous execution of the archbishop of St. Andrew's excepted) was thrown by the public upon Morton, who had an absolute ascendant over his disposition. It was observed of his predecessor Murray, that his own hands and feet were good, but that he borrowed Morton's head. It was said of Lenox, that he borrowed the same head, but that his right hand was Ramfay, and his left captain Crawford; and when he meanly banished Ramfay, it became a common saying, that the regent's head had cut off his right hand. His chief fault, after all, appears to have been want of firmness rather than judgment; for the merits

Writs of those two gentlemen are generally acknowledged. A. D. 1571.

The regent's death happening during the session of parliament at Stirling, not a moment was lost in electing his successor. The candidates were the earls of Argyle, Morton, and Mar. The latter was chosen by a plurality of voices. His chief recommendation seems to have been the great care he had taken of his royal pupil, and his having most ungratefully deserted the cause of his mother, who had honoured him with the highest confidence, and loaded him with unbounded liberality. His not having been very forward in the field on the side of the associators, and the former services he had done to Mary, rendered him less obnoxious to the loyalists than either of his two competitors; for they had long suspected Argyle, and hated Morton, whose pretensions were strongly supported by the English minister, Randolph. Elizabeth perceiving, from the choice the Scotch nobility had made of a regent, that Randolph was despised and hated by both parties, recalled him, and nominated Kiligrew to supply his place.

He is succeeded by the earl of Mar.

The new regent, who was chosen the fifth of September, the very day after his predecessor's death, ordered Calder and Bell, who had been taken prisoners, first to suffer the torture, and then to be publicly executed. As to the baron of Buccleugh, he seems to have escaped,

Edinburgh besieged.

A. D. 1571.

escaped, or been exchanged. The regent next, to distinguish the commencement of his administration by a signal exploit, prepared to reduce the castle and town of Edinburgh, and ordered his army to rendezvous at Leith, to which place he carried nine pieces of cannon from Stirling. Perceiving that the town was impracticable on the east side, he opened a battery on the south; but after making a sufficient breach in the town wall, he found that the besieged had been so industrious as to supply it with ditches and other works; which despairing of being able to surmount, he drew off his artillery, and returned to Leith. By the regent's thus retreating from the siege of a town which is almost defenceless, we can form no high idea of his military accomplishments. After returning to Leith, a council was called by Morton's advice; and dispatches were sent to England, craving Elizabeth's immediate assistance, the king's party being then in the most imminent danger. Mary's friends in Edinburgh were equally earnest with the French court to send them some troops, and repair their fortifications; but in one of the encounters, which happened daily, between Leith and Edinburgh, they had the misfortune of having two of their officers, and sixty of their men, carried off prisoners.

The earl of Huntley still continuing at Edinburgh, his brother, Adam Gordon, acted with
great

great vigour in the north, as his lieutenant against Mary's enemies; and the regent-earl, to give a diversion to her party, encouraged the Forbeses, the rival clan of the Gordons, to renew hostilities. The strength of hereditary animosities in that country was then incredible; and the countenance given by the regent to the Forbeses was such, as determined them to compose all differences among themselves and their allies, so as to unite them, that they might give a decisive blow to their enemies. The acting man at the head of the Forbes clan was one Arthur, brother to the lord of that name; and he succeeded so far as to form an army to dispute the passage of Adam Gordon (the same who had been pardoned after the battle of Corrichie, on account of his youth) southward to his brother's assistance. An engagement ensued, in which Arthur was killed, with a hundred of his followers, at a place called Tulliangus. The surviving Forbeses acquainted the regent of their disaster; and he sent them two hundred regular troops under the command of two officers, Chisholm and Wedderburn. The loyalists, at the same time, sent Sir James Kirkaldy with another party to support Adam Gordon; but the latter, disdaining any assistance, suffered Kirkaldy to repair to France to solicit that king for immediate assistance to Mary's friends. The Forbeses, after receiving their

60
D. 1571. their reinforcement, marched to the headquarters of the Gordons, at Aberdeen; but they were again defeated, three hundred were killed, and two hundred were taken prisoners, among whom was the lord Forbes's eldest son; and many more must have been destroyed, had not the humanity of Adam Gordon interposed. The success of this engagement had great effects in the north of Scotland in favour of Mary; and the regent gave a commission to the earl of Crawford, the lords Ruthven, Glamis, and Keith, to suppress Adam Gordon, whose gallant behaviour had reduced all the north country to Mary's allegiance, and who was then besieging the house of Glenbervy in the Merns*.

Successes of
the Gordons.

The regent's army was then lying at Brechin, and had taken possession of the bridge over the Esk. Gordon leaving his foot in their trenches, surprised the detachment upon the Esk with his horse; and having now a clear passage to Brechin, he divided them into two parties, that the city might be attacked in separate quarters; but the night being excessively dark, one of the divisions never came to action, but returned homewards. Gordon notwithstanding forced his way into Brechin; and had he not inadvertently suffered his trumpets to sound, he must have made all his enemies prisoners. Three hundred horse escaped, no more than forty-nine

* Crawford says that the regent's army was commanded by Douglas earl of Buchan.

were killed, and a hundred and ninety taken. A.D. 1574.
 Early next morning, Gordon ordered all his prisoners to appear before him; and after making a generous humane speech, he dismissed them upon their swearing (which they did with great readiness) never to carry arms against the queen, and to recognize him as her deputy-lieutenant. It unfortunately happened that all Gordon's officers were not endowed with his noble principles; for one of them, Ker, burnt the castle of Towie, which was defended by a lady, who with thirty-seven of her family were consumed in the flames.

All this while the war was raging in other parts of Scotland. The loyalists made themselves masters of the once strong castle of Broughty, and the town of Jedburgh; but were rather unfortunate in their operations about Edinburgh, where Morton, who kept his head-quarters at Dalkeith, continued the blockade of the capital. Every corner of the nation was in like manner filled with tumults and bloodshed; but as the particulars do not fall within general history, I am now to attend Mary's affairs in England.

About two years before the time I now treat of, the bishop of Ross had printed and published a book, with the assistance of Mary's friends, in defence of her honour, which was now reprinted at Liege, under the name of Morgan Philips, with additions; in which the author absolutely

Publications relating to Mary.

THE HISTORY

contradicted the authority of Hubert's confession, as well as the silver-box papers. I mention this, chiefly because no reply was made by Buchanan, or by any of Mary's enemies, to Lesley's arguments; though he says in direct terms, that Hubert at his death acquitted Mary of being accessory to her husband's murder. When Lesley became obnoxious to Elizabeth, he was questioned by the council of England upon many particulars in that book, but upon none relating to Hubert's confession; so that we may fairly presume, if such a confession existed, that it had been forced from him by torture, and that he retracted it at the hour of his death. This is the more probable, as Elizabeth could ~~she~~ have depended on so strong an evidence as Hubert's confession, must have been highly pleased with such a proof of her guilt, as ~~she~~ was now more exasperated than ever against Mary and her ministers, but especially Lesley. This was occasioned by the discovery ~~she~~ had made from the papers that had been seized at Dumbarton, and which were of such importance that they were reclaimed by the French court; but Elizabeth refused to deliver them up. One Baily, a Fleming, who had been employed by Lesley in printing the Liege edition of his book, and bringing some copies of it to England, was seized about the same time; and though he was a faithful servant to Mary, yet the fear of the rack had extorted from him some

A. D. 1571.

some discoveries; particularly that Rudolphi, in his journey to Rome, had an interview with the duke of Alva, who still intended to invade England. Lesley, without being daunted by the imprisonment and confessions of Baily, boldly remonstrated to Elizabeth upon the injustice done his mistress by the surprisal of Dumbarton, and desired her to interpose her authority with her friends in Scotland, to save the archbishop of St. Andrew's: this Elizabeth flatly refused to do; and intimated to him, that she had made discoveries which would soon deprive him of all benefit from his public character. Mary, about this time, sustained a considerable loss by the death of Sir Nicholas Throgmorton. That great statesman, after being released from his imprisonment at London, was, by the earl of Leicester's interest, removed to his house at Carshalton, in Surry. Being released from that confinement, he was invited to an entertainment by the earl of Leicester, where he suddenly died; and the public did not spare to load that nobleman, who was very expert in the art of poisoning, with the blame of his death, lest he should have made discoveries to his disadvantage, in the affair of the match between Mary and the duke of Norfolk.

Elizabeth now resumed her never-failing expedient of throwing herself out as a bait to the court of France; and she instructed her ambassador, Walsingham, that, being sensible she

Elizabeth's
marriage-
project re-
sumed.

1571. had no safety but in marriage, she had no objection to the duke of Anjou as a husband. The dissimulation of the French king and his mother was equal to that of Elizabeth; and they listened to the proposal with seeming pleasure, that they might meet with the less opposition in the barbarous massacre they soon afterwards committed. Elizabeth, on the other hand, wanted to prevent the intrigues of the French court in favour of Mary; and both obtained their ends, at the expence of that unhappy princess. Elizabeth's dissimulation was so profound and so well carried on, that Leicester was the only person about her court who discovered it. Lesley, it is true, together with the pope's nuncio, and the ambassadors of Spain and Portugal, did all they could to break off the match, lest France and England should enter into a league offensive and defensive against Spain. Elizabeth had this greatly at heart; and Walsingham was instructed to negotiate such a league, which was to be valid, whatever became of the marriage. It was some time before Walsingham, penetrating as he was, discovered, that notwithstanding all appearances to the contrary, the courts of France and Spain had never been more intimately connected than they were at that very period.

Mary, notwithstanding her being now close confined, her domestics reduced to the number of ten and a priest, and herself precluded from all

Letter from
Leicester to
Walsingham, July 8.

Proceedings
of the English
parliament.

A.D. 1571.

all correspondence, excepting what was examined by her keepers, found means to animate the political machine which threatened the extinction of the protestant religion in Europe. As that was the actuating principle of France and Spain, their great object was to place Mary on the throne of England. Elizabeth discovered this, by means of Walsingham and her other ministers. She now raised many objections, most of them religious, against her marriage with the duke of Anjou, as the French king did to the league offensive and defensive, unless Mary was comprehended in the same; which Elizabeth refused to agree to, because it would be a tacit disowning of the young king of Scotland's authority. Elizabeth's suspicion of the French court's sincerity was increased by the seizure of lord Seaton's papers on board a ship, by which it was discovered that he had carried twenty thousand crowns from the French king to Mary's friends in Scotland. Other money was transmitted for her own private use; but it was seized by Elizabeth's orders, and never returned, though it was reclaimed by the French ambassador.

In the speech made by the lord keeper, this year, at the opening of the English parliament, he took particular notice of the expences the government had been at in overawing Scotland. In this session, the affair of Mary's eventual right to the crown was very hotly debated. Her friends

Letter from
Elizabeth to
Walsingham
Paris, July 8.

April 2.

1571. friends insisted upon the invalidity of Henry the eighth's settling by his will (if he made one) the right of succession to his dominions. Their opponents warmly espoused the validity of that will, and absurdly insisted, that in consequence of it the family of Gray's right was preferable to that of Mary, who could in no case succeed, because she was an alien, and not born within the allegiance of England. Elizabeth disliked both sides of the debate. She was an enemy by principle to the Gray family, and, through prudence, to any declaration being made in favour of Mary. All her aim was to leave the succession undetermined; and so very skilful was she in balancing parties, that she obtained an act, declaring it to be high treason "for any to hold or affirm, that the common law of the realm (not altered by parliament) ought not to direct the right of the crown of England; or that the queen, by the authority of the parliament, might not make laws and statutes of sufficient force and validity to limit and bind the crown of this realm, and the descent, limitation, and government thereof."

The above, however, was not the only blow aimed against Mary; for the same bill contained a clause which rendered it high treason to compass, imagine, or invent "the queen's death, or any bodily harm tending to death, maiming or wounding her royal person; or to deprive, or depose her from the style, honour, or

or kingly name of the imperial crown of this realm; or to levy war against her, or to move any foreigners, or strangers, with force to invade this realm, or that of Ireland; or to utter or declare, by any printing, writing, cyphering, speech, or words, that the queen is not, or ought not to be, queen of this realm, and of the realms of France and Ireland; or that any other person ought, by right, to be king or queen of the same realm; or that should, by writing, printing, speech, &c. publish, set forth, and affirm, that queen Elizabeth is an heretic, schismatic, tyrant, infidel, or usurper of the crown of the said realms. And, further, such to be utterly disabled, during their natural lives, to have or enjoy the crown of England, or any style or title thereof, (this was aimed at the queen of Scots) at any time in succession, or whatever degree, condition, place, &c. they be, that in any wise claimed, or pretend themselves to have a right or title to the crown of England, in the life of queen Elizabeth; or should usurp the royal style, title, or dignity of this crown; or should hold or affirm that the queen had not right to hold or enjoy the said crown and realm; or, after any demand, should not acknowledge her to be, in right, true and lawful queen of those realms."

The same act provided against seditious and contentious spreading abroad of titles to the succession of the crown; "and against books or
works,

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Works, printed or written, that did directly or expressly declare and affirm, before any act of parliament was made to establish and confirm the same, that any one particular person is, or ought to be, the right heir and successor to the queen's majesty, except the same be the "natural issue of her majesty's body;" or shall publish, or set abroad, any book or scrolls to that effect; or the abettors and counsellors of such, upon pain of imprisonment, and forfeiture of half his goods for the first time."

Observation.

It is observed by Mr. Camden, that it was a general opinion that the earl of Leicester procured the words "natural issue of her majesty's body" to be inserted in this act, in order to entitle her natural children (if Elizabeth had any by him) to succeed to the crown. That Elizabeth and her ministers had some regard to such an event can scarcely be doubted, when we reflect, that while the treaty of Chatworth was in dependence, Mary contended for the succession of her lawful issue, instead of "any issue;" nor could the English commissioners be brought to admit of Mary's emendation farther than by agreeing to limit the succession to Elizabeth's issue by a lawful husband. Thus if Leicester, or any other person, had spurious issue by her, and afterwards became her lawful husband, such children became entitled to the succession. Before this parliament broke up, the earl of Westmoreland, and fifty-seven other persons,

Vide antea,
p. 299.

A. D. 1571.

persons, who had been engaged in the northern rebellion, were attainted. Nothing could equal the rage of the members against Mary. Several motions were made for rendering her subject to the laws of England, in the same manner as any native in the case of treason; but Elizabeth as yet discouraged all such motions, because she daily expected legal proofs of Mary's practices against her crown and person.

Rudolphi, the Florentine, was now deeply engaged in the measures for Mary's deliverance. She furnished him with letters of credit upon the duke of Norfolk, who remained still in a state of confinement at his own house, but carried on a correspondence with Mary through Lesley. The duke's natural timidity was at perpetual variance with his love and ambition; and no man could be worse suited than he was for the part he had undertaken. At first he refused to see Rudolphi; but he received by Lesley letters from Mary written in cypher, containing transcripts of all her foreign correspondence which she carried on by that Italian. The duke ordered his secretary, Higford, to decypher those letters, and then to burn them; which either through treachery or negligence he omitted to do, and hid them under the mats of his chamber, where they were afterwards discovered. Lesley was so importunate with the duke, that the latter at last consented to see Rudolphi, who laid before him the scheme which

Rudolphi's
intrigues.

A.D. 1571. he had concerted with Mary, and which he was to lay before her friends abroad. It was in substance, that the duke should raise a rebellion in England, which was to be favoured by a descent of six thousand Spanish foot, and four thousand horse, who were to land at Harwich, under the command of the duke of Medina Celi, the duke of Alva's successor in the Spanish government of the Low Countries. Rudolphi further informed Norfolk, that the court of France, finding how insincerely Elizabeth had behaved in the affair of her marriage with the duke of Anjou, was ready to favour the invasion; that the pope had consented to remit large sums to the insurgents; and that no harm was intended to Elizabeth, provided she agreed to the match between him and Mary, and to a toleration of the Roman catholic religion in England.

The duke of Norfolk, notwithstanding Rudolphi's plausibility and Mary's desire, refused to give him any letters of recommendation to foreign powers. Rudolphi, to get the better of his scruples, put into the duke's hands a list of English noblemen and gentlemen, who he said had engaged themselves in Mary's cause, and were ready to join in the rising. This made an impression upon the duke; but still I do not find that he gave Rudolphi any written recommendation, though he consented that he should proceed in the commission he had

A. D. 1571.

had received from Mary, and make use of his name to her friends abroad. It afterwards appeared by the examination of Barker, the duke's principal fervant, that Rudolphi did put into the duke's hand a letter from the pope, approving of his marriage with Mary, and beginning with the words "Dilecte Fili," beloved son."

Rudolphi having taken leave of the duke of Norfolk, had a fresh interview with the duke of Alva, who remained still in the Spanish Netherlands, and who ordered him to write letters in his name to the Spanish embassador in England, the duke of Norfolk, the bishop of Ross, and lord Lumley, signifying his approbation of Rudolphi's schemes. These were the letters which had been intercepted by the lord Cobham, who sent the most dangerous packet to Lesley himself. Enough, however, was discovered to give Elizabeth's ministers an insight into Mary's dangerous practices. It thereby appeared, that the duke of Norfolk had actually written to the pope; but I find by Higford's after-examination, that this letter had been forged in cypher, and signed with the duke's name by Lesley, to quicken the pope, and the Roman catholic powers on the continent, in Mary's cause. Lesley being informed that Baily had been racked in the Tower, and had made discoveries, secreted his principal papers; and though he underwent a

The duke of Norfolk betrayed and imprisoned.

A. D. 1571.

strict examination before a committee of the council, they could not find matter sufficient to proceed capitally against him, though he certainly had been earnest with the duke of Norfolk to take arms and break up the parliament; but the duke had rejected the motion with horror. This, and some other favourable circumstances, had procured the duke his liberty, upon his giving an obligation under his hand to Elizabeth, that he would give over all farther dealing with Mary, and all thoughts of the marriage. The intelligence of the English ministry was, however, so good, that they discovered a large sum had been sent from France to Mary, who remitted six hundred pounds of it to the duke of Norfolk, for the use of her friends in Scotland. The servant who was employed to carry the money, gave information of it to the government; upon which Higford and Barker, and the duke's other principal servants, were committed prisoners to the Tower of London, and they soon confessed all that Elizabeth wanted to know. Higford put into her ministers hands all the original papers and letters which had been sent by Mary and the bishop of Ross to the duke; and either by applying, or threatening, the rack, Barker, who was an old man, confirmed Higford's testimony.

Examina-
tion against
him.

Elizabeth, the moment those discoveries were made, resolved to proceed capitally against

against the duke of Norfolk, who, knowing nothing of the discoveries that had been made by his servants, underwent an examination at the council-board, where he denied every allegation urged against him. He was, upon this, committed to the Tower of London, as were the earls of Arundel and Southampton, with the lords Lumley and Cobham, Bannister, the duke's counsellor at law, Sir Henry Piercy, and four other gentlemen of note, on the seventh of September. The more the council enquired into this conspiracy, they had the greater cause to be alarmed. It appeared from the letters which had been produced by Higford, that there had been some difference among Mary's friends abroad concerning her marriage. The court of Spain, on whom she had great dependence, importuned her strongly to make don John of Austria her husband; but the court of France equally favoured Norfolk; and there is reason to believe that a contract of marriage was actually drawn up between him and Mary, and signed by both, though we cannot well suppose that it ever was consummated. In the course of the examination, Sir Thomas Stanley, Sir Thomas Gerrard and Rolston, whom we have already mentioned, were found to be concerned; and they were committed to the Tower, as Lesley was a second time to the custody, first, of the bishop of Ely, and then of the lord-mayor. The lord

A. D. 1571. lord Cobham and his brother, who were likewise in custody, soon regained their liberties, nothing of any moment appearing against them. Sir Henry Percy had complained that Elizabeth had failed in her promise to put him in possession of his brother's estate, and offered to Lesley to set Mary at liberty; but the proposal was rejected by the duke of Norfolk. In short, Mary fell a sacrifice to that nobleman's irresolution, as he did to Lesley's heat and impetuosity.

On the fifth of September, the duke was again examined in the Tower by a committee of the council. He still continued to insist upon his innocence; but when the examinations of his servants were produced against him, his spirit and firmness forsook him, so that he behaved in the most abject manner; and the confessions he made were confirmed by those of all the noblemen and gentlemen who had been imprisoned on the same account. Two days after, he was examined upon almost a hundred articles, all of them tending to the facts I have already related, and containing a detail of all his proceedings with Mary from September 1568. This examination produced new discoveries, particularly that he had received two letters of treasonable importance from the pope; and that he, the late earl of Pembroke, and lord Lumley, had held several conversations together about surprizing the
Tower

A. D. 1571.

Tower of London. Elizabeth thought proper to publish all the charge against the duke, and likewise his confession; copies of which she sent to the lord-mayor and court of aldermen of London, that they might be communicated to the several wards and companies of the city. This publication somewhat allayed the national discontent, on account of the duke's imprisonment, and that of so many noblemen and gentlemen. The general indignation turned strongly against the bishop of Ross, who was considered as the chief incendiary; and on the twenty-fourth of October he was examined before a committee of the council, at the head of which was the earl of Bedford. He behaved with great calmness and intrepidity; and though the resolutions of the civilians against considering him as an ambassador were shewn him, he still insisted that he was the ambassador of an absolute queen, who was unjustly deposed, and had, according to his duty, carefully endeavoured the delivery of his princess, and the safety of both kingdoms; that he came into England with the full authority of an ambassador, under public warrantise, which he had produced; and that the sacred privileges of ambassadors are by no means to be infringed. He continued for some days very firm to those principles; and the safe-guard he produced being very ample, the committee were under some difficulties how

A.D. 1571.

Lesley's
Negotia-
tions.
Lesley is
forced to
make dis-
coveries.

how to proceed, especially as Elizabeth had not yet formally acknowledged the validity of Mary's resignation.

The commissioners, however, were not to be diverted from their purpose, which they knew their mistress had greatly at heart; and at last they plainly told him that they not only looked upon him as a private person, but that they would order him to the rack, if he persisted in his obstinacy not to be examined. Even this terrible menace did not daunt Lesley. He put them in mind of the practices of Randolph and Tamworth, the English ministers in Scotland, which, though plainly discovered, brought them under no heavier a penalty than their being obliged to leave the kingdom. All his remonstrances were in vain; and he, at last, was committed close prisoner to the Tower. The character of Elizabeth and her ministers gives us no room to doubt that they would have executed their threatenings, had they not been apprehensive of the consequences among Mary's friends abroad and at home; and they resolved to soften their manner towards their prisoner. His next examination, therefore, which was before the lord-admiral, lord Burleigh, Sir Francis Knolles, and Sir Thomas Smith, was somewhat more mild. The commissioners informed him, that their mistress disapproved of the roughness that had been shewn him by the former committee;

that they did not expect he should discover more than had been already confessed by the English noblemen and gentlemen already in custody; that nothing he said upon his examination should be brought in evidence against any other person; and that if he did not submit, Elizabeth was resolved that he should be immediately put to death as a private man, and a traitor. If we are to believe Lesley himself, they then produced to him all the examinations and confessions of the duke of Norfolk's friends and servants, which Lesley knew to be true, and he then submitted to an examination; but through the whole of it, tho' he did not deny the points which he saw had been plainly proved by other confessions, yet he treated the case of the duke of Norfolk with the greatest tenderness; and endeavoured, by his address, to persuade the commissioners that his grace and his noble friends, notwithstanding their attachments to Mary, had always behaved as good subjects to Elizabeth.

Such is the light in which Lesley's conduct, at this critical juncture, has been placed by himself. His own and all the examinations he speaks of, have been lately published from the originals; and they are large, tedious, and tautologous. We see through the whole of them abundance of evasions, and great regard at first for the noble parties concerned; but the dread of the rack is equally discernible;

Lesley's
Negotia-
tions.

Murden's
State Pa-
pers.

Their con-
sequences,

A. D. 1571.

Ibid, p. 54.

and every new examination produces new discoveries to the prejudice of the noble personages. Whatever Lesley may pretend, we can easily see that he was, at last, rendered as pliable as the rest of the party; and though I do not find that he expressly charged the duke of Norfolk as being actually engaged in any design against Elizabeth's person, yet he confesses enough to prove that he corresponded, tho' cautiously, with Rudolphi, and the Roman catholic powers on the continent; and that he only delayed the insurrection in England, till he should know their sentiments, and be assured of assistance from abroad. On the eighth of November, he obtained leave to write Mary an account of his discoveries, which he did, in a letter that has been since published; and it is easy to perceive that he confessed all he knew of the intended invasion, and the duke of Norfolk's practices. A letter in the same collection, and dated the same day, from Sir Thomas Wilson, one of Elizabeth's secretaries, leaves it without a doubt (if Wilson can be believed), that Lesley was prevailed upon to betray Mary's cause, and to speak of her in the same (and indeed worse) language as had been used by her bitterest enemies. It is evident, at the same time, that the conversation there mentioned had been extorted from Lesley by fear; for he is made to say that Mary poisoned her first husband the French king; and

and that she brought Bothwell to the field (meaning, we suppose, that of Carberry-hill) on purpose to be murdered: surmises that never were heard of before, and which confute themselves.

By other letters addressed from Lesley to lord Burleigh, it seems as if Mary was not satisfied with the apology which Lesley had made to her for his own conduct. When Lesley's examinations were compared with those of Norfolk, his friends and servants, they agreed entirely; but Elizabeth was of opinion, that he had not been explicit enough with regard to the English lords, who were engaged in the project of breaking up the parliament. According to Lesley's own account, when he was examined on those heads by the earls of Leicester and Bedford, and other counsellors in the Tower, he said, with great firmness, "that the fear of death should never prevail upon him to accuse innocent persons;" and the council accordingly desisted from pressing him farther on that subject. His answers to this examination give us no such idea of his honour and courage; for though he does not say that he had any conversation with the duke of Norfolk on that head, yet enough appears, from his examination, to have convicted him of treason. The truth is, the weakness and irresolution of the duke is conspicuous thro' the whole of this affair; and he was every

A.D. 1571.

day committing treason against Elizabeth, without his knowing it to be such. The histories of the times are very full with regard to his trial and condemnation. Such parts of the former as clash with the principles of the English law, do not properly fall into this history. I cannot but think, however, upon a candid perusal of his confession, and those of his dependents, that as an English subject, he was highly criminal; nor do I find that any one article, upon which he was accused, was aggravated to his prejudice.

1572.
Trial and
condemna-
tion of the
duke of
Norfolk.

The year 1572 was opened in England by the duke of Norfolk's trial in Westminster-hall, before twenty-six of his peers, the earl of Shrewsbury acting as high-steward. The substance of the articles on which he was tried were as follow :

That in the eleventh year of queen Elizabeth, and afterwards, he had entered into a treasonable conspiracy about deposing her from her throne, and taking away her life, and invading the kingdom, by raising war, and bringing in a foreign power.

That though he knew for certain that Mary, late queen of Scots, had usurped the crown of England, with the title and arms thereof, yet he had treated about a marriage with her, (without acquainting the queen) and had lent her a great sum of money, contrary to what he had promised under his hand,

That

That though he was sure that the earls of Northumberland and Westmoreland, Markenfield, and others, had raised a rebellion against the queen, and were driven into Scotland, yet he had supplied them with money. A. D. 1572.

That in the thirteenth year of the queen's reign, he had, by his letters, craved auxiliary forces of pope Pius the fifth, the queen's professed enemy, of the Spaniards, and the duke D'Alva, to set the queen of Scots at liberty, and restore the popish religion in England.

Lastly, That he had relieved Herries the Scot, and other the queen's enemies in Scotland.

The duke's defence to this charge was but weak; and, in fact, his condemnation had been sealed by his own confessions, and those of his servants. When the last article came to be proved, the duke put the following question to the judges: Whether the subjects of another prince in confederacy with the queen of England, were to be reputed her enemies? Catline, the lord chief-justice, gave it as his opinion that they were; and that the queen might wage war with any duke of France, yet, at the same time, be at peace with the French king. I shall not pretend to say how far this opinion agrees with the treaties between Scotland and England, which stipulated, that the prince injured by the private subjects of the other, was to complain of the injury to the sovereign,

Remarks upon the evidences against him.

A. D. 1572.

sovereign, who is to give redress. If the lord Herries, however, actually aided and abetted Elizabeth's rebels, and received money on that account from the duke, the latter was undoubtedly guilty of treason; and I find it was upon that principle, which was urged by the queen's serjeant, that Catline founded his opinion. A letter of Lesley to Mary, during the conferences at York, was produced, to shew that the duke at that time betrayed the commission with which he was entrusted, by his secret dealings with Mary's agents. A letter from the earl of Murray, to the same purpose, was likewise produced, as were some of Lesley's confessions; a proceeding which was unpardonable (if what Lesley says is true, of his having stipulated that nothing he confessed should be brought in evidence). I have, however, some difficulty in believing that fact, because Elizabeth's ministers had the power of applying the rack, and consequently were under no necessity of making any such previous stipulation. I am the more confirmed in this opinion, as I find no mention made of any such preliminary stipulation in Lesley's letter to Mary, dated the eighth of November, after he had made all his discoveries.

His confession.

The duke, during his trial, is said to have behaved with great decency; but still denied his having intended any violence to the person of Elizabeth. Being remanded back to the

the Tower of London, he wrote many supplications, in the most abject strain, to Elizabeth for mercy. He complained of having been betrayed by Lesley and his servants; and his behaviour was such as touched Skipwith, to whose custody he was entrusted. Burleigh, though he knew his doom was sealed, affected to be his friend, as did several other of the privy-counsellors, to whom he sent presents of jewels and curiosities. Finding he received but cold, or general, answers to all his applications, he wrote, on the twenty-sixth of February, a full confession of the principal charges against him, which the reader will find in the note *. Upon his being taken

* First, For that I did arrogantly presume, without her highness's privy, to enter into dealing with the queen of Scots, which became not me, nor no subject to have done; nor is it any excuse for me to say, that I was persuaded thereunto. If I had been mindful of my duty, as I ought to have been, there should no persons, whatsoever they were, nor of what great credit soever, have persuaded me so far to forget myself, which fault also I encreased more; for after her majesty had commanded me to the contrary, and that I had promised to deal no further therein, yet I very disobediently entered into the cause anew, and both sent and received writings to and from the said queen, besides dealing with the bishop of Ross, her minister. After this, I made a submission to her majesty under my hand and seal, never to deal further in that my unhappy course; contrary to the which, nevertheless, to my utter shame, I had dealings anew. I received also, and was made privy to certain letters, which stood not with my duty to have concealed, touching the sending of Ridolpho; to the which, although I gave no consent, yet it became me not, after I knew that there was no good meaning in them to my sovereign, to deal with them, and speak with Ridolpho, and conceal the same, as I most undutifully did. After this also, when Barker brought two letters from the pope,

A. D. 1572. from the bar, and remanded to the Tower, Elizabeth affected to entertain some thoughts of respiting the sentence; but this probably was with no other view than to know her parliament's sentiments of his case.

His death
and cha-
racter.

These were far from being favourable; for when the members met on the eighth of May, they were so heated with the discoveries that had been made at Norfolk's trial, that in a conference between the two houses on the fixteenth of the same month, they came to a resolution, that it was necessary execution should be done on the duke of Norfolk; and they laid this resolution before Elizabeth, not by way of petition, but as a measure that must absolutely be pursued. Elizabeth made no imme-

pope, as he said, at two several times, although they were verbatim all one; and also a letter from Ridolpho, as he likewise said; I read them and concealed them, although I was angry with the bearer for bringing any such writings to me; but that was not sufficient for the discharge of my duty. I did also consent for the conveying in of a letter at one time into Scotland; and lastly, both by money and letters from the French ambassador to the lord Harrys and others, in doing whereof I did much forget myself. But, alas! my undutiful parts were so many, as I fear I do not remember them all. And how could I in my conscience think that my peers could do otherwise, but as they did? considering these foul facts committed by myself without contradiction, and the ill presumptions that I gave thereby to the better credit of my false accusers. Seeing I confess myself faulty in this my shameful offences, what can it help me to deny some untruths that I was charged withal; as for rebellions, invasions, writings, or ever commanding or consenting to foreign princes, or being privy to money to be sent or divided amongst the rebels, or any thing to be known hurtful to this city? Murden's State Papers, p. 174, 175.

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A.D. 1572.

diate answer to this resolution, which was so agreeable to her own sentiments; but the enthusiasm and wickedness of her enemies soon gave her an additional pretext. Several plots were laid for Norfolk's deliverance; but three desperate soldiers of fortune, after various proposals among themselves, offered to assassinate both Elizabeth and Burleigh; and (as they pretended) were encouraged by the Spanish ambassador and his secretary. The names of the three assassins were Berney, Mather, and Herle. The conspiracy was discovered by the latter; and the other two, after making ample confessions, were tried and executed. Elizabeth, for some time after those transactions, continued her backwardness to sign the order for Norfolk's execution. At last, pretending she could no longer resist the voice of her people, the warrant was signed, and he was brought to the scaffold on the second of June. In the speech which he made there, he acknowledged the justice of his sentence, and disclaimed the imputation which had been thrown out against him, as if he was inclinable to popery. He owned that he had conferred with Rudolphi, but not to the queen's destruction. He was interrupted in his speech in a most brutal manner by the sheriff and his officers, upon which he submitted to the fatal stroke with a becoming firmness, but refused to have his eyes covered, being (as he said) fearless of

A. D. 1572. death. The reader, from the narrative I have already given, may easily perceive, that there was not, perhaps, a man in England so unfit as this duke for the dangerous part he had undertaken. From the state papers it appears, that his best friends, both at home and abroad, exclaimed against his cowardice; and even Mary herself, though she behaved towards him with most unexampled fidelity, thought that the continuance of her imprisonment was owing to his want of activity and resolution. But I must now return to Scotland.

Barbarity of
the civil
war in
Scotland.

The civil war in that country continued unabated, during the winter of the last, and beginning of this, year. Lord Ruthven was sent by the regent, earl of Mar, to quell the commotions raised by the barons of Farnihurst and Buccleugh on the borders, which he did with great success; for though the insurgents were numerous, they were without arms or discipline. Morton still kept his head-quarters at Dalkeith, and daily skirmishes happened between his soldiers and those under Kirkaldy, in the neighbourhood of Edinburgh. The castle of Blackness fell into the hands of the royalists, who threatened to besiege Dundee; and the lord Methven, a wise and moderate nobleman, was killed by a cannon-ball from the castle of Edinburgh. The lord Seton narrowly escaped falling into Morton's hands, with a fresh supply of money which he had brought

A. D. 1572.

brought from abroad ; but the regent's, or rather Morton's, military chest was taken by the loyalists. This exasperated their enemies so much, that they not only destroyed the estates of Mary's friends in Fife and the Lothians, but hanged or branded the country people who ventured to supply the garrison, or the capital, with provisions. The loyalists made reprisals in the same manner ; and at last both parties became so furious by the mutual barbarities they exercised, that we are told by a contemporary authority, that from the sixteenth of April to the eighth of June following, every prisoner which either party took, of whatever rank or quality, was hanged. The loyalists, however, seem to have been the most successful in those bloody scenes ; for by throwing garrisons into the castles of Nidrie, Blackness, and the town of Levingston, they restored the communication between Edinburgh and the country.

Morton at this juncture, though, in fact, the most powerful, was the most unpopular man in Scotland. He was hated by the clergy for his profligate life, and he had actually tortured and put to death one of them for speaking too freely from the pulpit of his crimes. His avarice was equal to his profligacy ; for he entertained a private correspondence with the countess of Northumberland, who resided in the Low Countries ; and would

Unpopular
and base
conduct of
Morton.

A. D. 1572.

have set her husband at liberty, had she been able to raise the exorbitant sum he demanded for his ransom. I am apt to believe, that Elizabeth, who was now on very good terms with the court of France, knew of this correspondence; for she ordered her ambassador, Killigrew, who had been sent to assist and succeed Randolph in Scotland, to demand that earl's person to be delivered to the lord Hunsdon; and it is generally agreed, that Morton had a pecuniary compensation for his compliance. The unhappy earl was carried from Berwick to York, where he was beheaded.

The regent enters into measures with the loyalists.

The sacrifice of this nobleman, in a manner that was so disgraceful to the country, was resented by the wisest and most independent of the king's party; and after Killigrew's arrival in Scotland, it was easy for the regent to perceive that Morton was the only person whom Elizabeth trusted in that nation for the continuance of its calamities. The regent seeing himself thus little better than a deputy to Morton, entered into a secret negotiation with Maitland and Kirkaldy, and the other capital friends of Mary, for compromising all matters in dispute amongst them, when Le Croc arrived in Scotland with a commission from his court to assist the two English ambassadors in bringing about a pacification. This negotiation was the result of Elizabeth's councils. She perceived the superiority of the loyalists in

in Scotland, through the assistances that had been sent them from the continent; and she sent over to the queen-mother of France, copies of all the papers she had discovered in the possession of the duke of Norfolk, and Mary's other friends; and likewise of the examinations, by which it appeared pretty plainly, that Mary had given to the court of Spain a preference to that of France. She had likewise ordered Buchanan's famous libel upon Mary, called the Detection, together with the silver-box letters, and a summary of the conspiracies formed by the queen of Scots against the queen of England, to be printed at London (for it is evident they were printed there) and circulated all over Europe; "Because," says she, in her instructions to her ambassador in France, "they will serve to good effect to disgrace her, which must be done before other purposes can be attained." The queen-mother affected to be highly pleased at those discoveries; but, though unknown to Elizabeth, the strictest intimacy was then subsisting between the courts of France and Spain. That Elizabeth might be the better imposed on, the fourth article of the treaty of Blois, which was then concluded between her and the French king, stipulated, that no innovation was to be made in the affairs of Scotland, but both parties were to endeavour to restore the peace of that country; and Elizabeth was

Enquiry
Historical
and Critical,
p. 74.

Unfair
practices
against
Mary.

A. C. 1572.

was to be at liberty to chastise those Scots who should harbour the rebels.

Operations
of the war
in Scotland.

Though the French king and his mother were, or appeared to be, dissatisfied with the preference given by Mary to Spain, yet Elizabeth could not prevail upon them to abandon her. He pretended that his honour must suffer, if he gave up the cause of so near a relation; and in consequence of the above-mentioned article of the treaty of Blois, he had ordered his minister to repair to Scotland; and it was while he resided there, that the infamous massacre of the eve of Bartholomew was perpetrated upon the French protestants. Notwithstanding that shocking catastrophe, Elizabeth never lost sight of her favourite scheme to divide the Scots among themselves, in which she perfectly succeeded. The civil war in Scotland still went on; the king's party made prisoners a detachment which had been shipped at Blackness for the assistance of their northern friends; and every man of them was either butchered or hanged at Leith. Fifty-six of the king's party underwent the same fate under the cannon of Edinburgh castle.

Negotiation
for an ar-
mistice;

Besides Randolph and Killigrew, Drury, who was the most hated of any man by the Scots, was employed in the treaty of pacification; but though the civil war still continued to rage, Le Croc was so assiduous in his
negotia-

A. D. 1572.

negociations, that an armistice was agreed upon from the first of August to the first of October. This interval was employed by the English ministers in fomenting animosities among the Scots, and inflaming their differences past all hopes of reconciliation. Lord Fleming, who arrived at Edinburgh with a new recruit of money from the continent, had been accidentally wounded, and died on the sixth of September. Those remittances enabled the loyalists within the castle to issue a silver coinage of tolerable fineness; while Morton, at Dalkeith, issued another of vile adulterated metal, which by proclamation was ordered to pass current among all subjects of Scotland, as if every piece bore the intrinsic value of its denomination. This felonious practice gave a mortal blow to the interest and commerce of Scotland, because Morton forced the subjects to exchange the sterling coin of the loyalists for his base pieces, at their nominal value.

Crawford, from the contemporary historian he made use of, condemns the armistice lately concluded, as the most fatal event, not even excepting the battle of Langside, that could have happened to Mary. Her friends, by the remittances made them from abroad, were every where victorious. Farnihurst had recruited his forces, and defeated his enemies in the south. The town of Edinburgh was amply supplied with every thing but fuel, and that
was

A.D. 1572.

was provided from the ruins of their enemies wooden houses which they pulled down. They were masters of the communications both by land and water between Leith and Stirling, the two chief places belonging to the king's party. Their enemies durst not face them in the west, and the Gordons still continued to be victorious in the north. According to the same authority, the articles of the armistice were as follow :

its terms.

First, That the regent, nobility, and all other subjects of the realm, partakers with them in the present troubles, should faithfully promise, during the said space, to abstain from all hostility.

Second, That before expiring of the said abstinence, the nobility and estates should convene, and advise upon the best means to establish a final peace ; and if any difficulty should arise in the said treaty, which amongst themselves could not be composed, that the same should be remitted to the determination of the most Christian king and queen of England.

Third, That the town of Edinburgh should be set at liberty, and be made patent to all the subjects, and no place thereof be withholden or fortified with garrisons, the castle only excepted, which before these troubles arose, was accustomed to be kept and guarded with soldiers.

Fourth,

A. D. 1572.

Fourth, That all the subjects, of whatsoever quality and condition they were, should freely converse together, without trouble or molestation to be offered them by word or deed, excepting such as should be found guilty of the murder of the king his father and regents, the thieves and broken men of the borders and Highlands, with the disturbers of the public peace betwixt the realms of Scotland and England; none of which should be comprised in the present abstinence, but remitted to the trial and censure of the common law, and wheresoever they might be apprehended, presented

Fifth, and last, Because there were divers persons, who, in the time of these troubles, had possessed themselves in other mens lands, and the tenths whereof in that season were to be collected; to the effect no impediment should be made to the peace intended, it was agreed, that the corns and fruits growing upon the said lands should be gathered and put in granges, or stalked up on the fields, and not applied to any private use, before the expiring of the abstinence.

The reader may easily see from the nature of this armistice, which was published in the name of the nobility and others, subjects of the realm of Scotland, "that Scotland was then looked upon as a mere aristocracy," no mention being made of the royal power, or

Crawford's
Memoirs.

A.D. 1572.

Spotswood.

A treaty.

any authority derived immediately either from the king or queen. The affociators undoubtedly considered it as invalid; for when it was concluded, the duke of Chatleheraut, the earl of Huntley, and Mary's principal friends, retired from Edinburgh to their respective homes. Public thanks were given in the churches for the prospect of a permanent peace, and the people of both parties, now wearied out by their calamities, most earnestly implored it. Their hopes were soon dashed; for the very day after the armistice was proclaimed, the regent and the earl of Morton took possession of Edinburgh, placed a strong guard at the high-church, disarmed all the queen's friends, and voted themselves to live at free quarters during the armistice. Nothing in the intermediate time was done in forming any plan of pacification, to which Morton, by Elizabeth's orders, was totally, though secretly, averse. At last, three days before the expiration of the armistice, a meeting was held of the nobility on both sides; and a paper came from Kirkaldy, containing in substance the following propositions:

Ibid.

First, He craved a discharge to himself, and all that were in the castle, of all things which they, or any of them, had committed since the beginning of the troubles; and that all acts, decrees, and sentences pronounced against them, either in parliament, secret council, or before

before the justice general, and his deputies, might be declared null and of no effect.

Second, That they should be repossessed in their rooms, heritages and possessions, without any challenge to be made thereafter of the same, by whatever person or persons.

Third, That the heirs of the lord Fleming, the lord of Wormeston, and others, who were slain in the queen's cause, might enter to their heritage and rooms, as though they had never been forfeited.

Fourth, That the castle of Edinburgh should be consigned into the hands of the earl of Rothes, with the whole furnishing, munition, and rent belonging there to the captain, making an account of the jewels, and other goods which he received with the house; as also, restoring all the goods of the people of Edinburgh that were put in his custody; which he was content to do, he being freely discharged of all, and secured by act of parliament.

Fifth, That the castle of Blackness should be put in the keeping of some one of their side, and the rents appertaining thereto assigned for the entertainment of a garrison within the same.

Sixth, In respect of the great debt he had contracted in these wars, he craved the sum of twenty thousand marks to be given him for satisfying his creditors.

E e e 2 Seventh,

A.D. 1572.

Seventh, That the earl of Morton should resign the superiority of the lands of Grange, (Kirkaldy's patrimonial inheritance) and other lands annexed thereto, to be holden of the crown in all time coming.

And lastly, that the lords within the castle might be licensed to go into the kingdom of France, or any other country they pleased forth of Scotland; and that the earl of Rothes should be surety for the accomplishment of the whole premisses.

Elizabeth's
great power
in Scotland.

Morton found means to puzzle those articles in such a manner, that all but the first three were rejected, and the meeting broke up without coming to any conclusion but that of prolonging the armistice to the last of October, when a new convention to be held at Perth was agreed to. The regent earl easily saw that this indecision arose entirely from the influence which Elizabeth had over Morton; and Killigrew confessed, in private conversation, that Elizabeth looked upon him as the sole prop of her interest in Scotland. This determined the regent to enter into the views of Mary's party, and that of the most moderate noblemen; and he summoned a convention of the lords of the council, who he had reason to believe would join him in his salutary views. In the mean while, he had some conferences with Morton, and dined with him at Dalkeith; but soon after sickened and died. His character, as it appears

appears from his actions, was, that he was naturally inclined to be a good patriot, had he not been warped by ambition. The ascendancy that Morton had over him, disappointed him in his views; for he undoubtedly would have restored peace to Scotland, had he survived the fatal banquet which some say he partook of at Morton's house. A.D. 1572.

The regent earl of Mar (dying before his son was of age) bequeathed the custody of the king's person, and likewise that of the castle of Stirling, to his lady and his brother. This testamentary disposition (which does not appear to have been disputed at that time) is a strong proof of the anarchy then prevailing in Scotland, as the tutelage of the king could not be deemed a perquisite of the Erskine family. His death was succeeded by that of the famous Mr. John Knox, the reformer.

The character of Knox, when candidly and seriously considered, is, perhaps, not to be matched in the history of the Reformation. Though violent and indecent towards authority, and though intractable to all who opposed him, yet he always acted upon principles, which, however mistaken, were agreeable to his own conscience. Considering the almost arbitrary sway he had over the common people in Scotland, and the many advantages he might have enjoyed, had he sided with the queen and her friends, I cannot help thinking, that his motions

Death and
character of
Knox.

A.D. 1572.

motions of action were disinterested. Before his death, which was pious and edifying, he sent two preachers to persuade Kirkaldy to change his party, and to abandon Maitland; but his advice was disregarded.

The earl of Morton chosen regent on the death of the earl of Mar.

Towards the end of November, a convention of the states was held at Perth, and the earl of Morton was chosen regent, so far as I can perceive, unanimously. The destinations of the late regent, during his son's minority, were confirmed and approved of. Alexander Erskine, who was then tutor to the king, was instructed to suffer no person, who was a papist, or popishly affected, to enter the place of the king's residence; but an earl with two servants, and a baron with one, all of them unarmed, might have admittance on particular occasions. The capacity, courage, and activity of Morton, rendered him, undoubtedly, the most proper person in Scotland to fill the high post of regent; but being void of virtue and sincerity, his elevation did not at all tend to restore public tranquillity. The duke of Chatleheraut and the earl of Huntley, willing to contribute towards the restoration of peace, agreed to a prolongation of the armistice, and the queen's party, in general, shewed dispositions for concluding a definitive treaty. The new regent acted with his usual dissimulation; and offered Kirkaldy his own terms, if he would deliver up the castle of Edinburgh;

A. D. 1572.

Edinburgh; but his offer was rejected, which exasperated the regent so much, that he entered into a negotiation with the queen's lords, on condition they would agree to exclude Kirkaldy from all benefit of the treaty. This offer was most unaccountably accepted of by Mary's friends. The lord Lindfay was chosen provost, or chief magistrate of Edinburgh; and, contrary to the armistice that had been lately concluded, he commenced hostilities against Kirkaldy's garrison. Kirkaldy, thus seeing himself abandoned on all hands, intimated to Mary's friends that they should leave the town of Edinburgh; and no sooner was the time of the armistice expired, than he battered the town with great fury. At the same time he declared himself ready to deliver up the castle in six months time, provided the definitive treaty was concluded between the two parties; but this offer was rejected by Morton, who was instructed by Elizabeth to counteract every measure that tended to a coalition of the parties in Scotland.

END of the SEVENTH VOLUME.

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